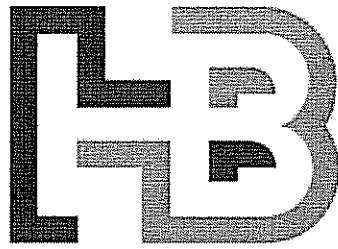


# Exhibit D



# HAGENS BERMAN SOBOL SHAPIRO LLP

ONE MAIN STREET  
4TH FLOOR  
CAMBRIDGE, MA 02142  
TELEPHONE (617) 482-3700  
FACSIMILE (617) 482-3003

60 WEST RANDOLPH  
SUITE 200  
CHICAGO, IL 60601  
TELEPHONE (312) 762-9237  
FACSIMILE (312) 762-9286

700 SOUTH FLOWER STREET  
SUITE 2940  
LOS ANGELES, CA 90017  
TELEPHONE (213) 330-7150  
FACSIMILE (213) 330-7152

2425 EAST CAMELBACK ROAD  
SUITE 650  
PHOENIX, AZ 85016  
TELEPHONE (602) 840-5900  
FACSIMILE (602) 840-3012

1301 FIFTH AVENUE  
SUITE 2900  
SEATTLE, WA 98101  
TELEPHONE (206) 623-7292  
FACSIMILE (206) 623-0594

[WWW.HBSSLAW.COM](http://WWW.HBSSLAW.COM)

<b>Table of Contents</b>	
<b>The Firm</b>	<b>1</b>
<b>Our Success</b>	<b>3</b>
<b>Leading Edge Cases</b>	<b>4</b>
<b>The Practice</b>	<b>7</b>
An Overview of Current Litigation	7
<b>Newest Developments</b>	<b>12</b>
<b>Hagens Berman vs. Big Tobacco</b>	<b>14</b>
<b>A Short Historical Perspective of Major Litigation Handled by Hagens Berman Sobol Shapiro</b>	<b>16</b>
<b>Securities Litigation</b>	<b>18</b>
<b>Environmental Litigation</b>	<b>21</b>
<b>Partners</b>	
Steve W. Berman	23
Jeniphr A.E. Breckenridge	24
Robert B. Carey	24
Erin K. Flory	25
Carl H. Hagens	25
Sean R. Matt	26
David S. Nalven	26
Christopher A. O'Hara	27
Clyde A. Platt	27
George W. Sampson	28
Anthony D. Shapiro	28
Thomas M. Sobol	29
Craig R. Spiegel	30
Jeffrey T. Sprung	30
Nicholas Styant-Browne	31
Andrew M. Volk	31
<b>Associates</b>	
Leonard W. Aragon	33
Ivy D. Arai	33
Elaine T. Byszewski	34
Elizabeth A. Fegan	34
Robert Gaudet	35
Lee Gordon	35
Lisa Hasselman	36
Jeffrey A. Lang	36
Robert F. Lopez	36
Gregory H. Matthews	37
Douglas C. McDermott	37
Hugh E. McNeely	38
Edward Notargiacomo	38
Diego Rodriguez	39
Timothy A. Scott	39
Ronnie Seidel Spiegel	39
James P. Solimano	40
Tyler S. Weaver	40
<b>References</b>	<b>42</b>
<b>A Perspective on Our Performance from the Bench</b>	<b>43</b>

## The Firm

Based in Seattle, Washington, **Hagens Berman Sobol Shapiro LLP (HBSS)** was founded in 1993 with one purpose - to pursue the type of law that most interested the founders. This involved representing plaintiffs in class actions and multi-party, large-scale complex litigation and becoming engaged in cases that had the potential for having a positive impact on protecting the rights of investors, consumers, workers, and the environment.

Since then, the firm has stayed true to that purpose and become one of the nation's leading firms in these fields, earning an international reputation for excellence and innovation.

### Our Focus

Our main focus is to represent plaintiffs in securities, investment fraud, product liability, tort, antitrust, consumer fraud, employment, environmental, and ERISA cases. In doing so, our firm has become particularly skilled at managing multi-state and nationwide class actions through an organized, coordinated approach that implements an efficient and aggressive prosecutorial strategy in order to place maximum pressure on the defendant.

### WE Win

Lawyers in the field of mass tort and class action litigation are often accused of acting in their own interests or settling cheaply. HBSS believes that our excellence stems from a commitment to try each case and obtain maximum recovery for our clients. Our opponents know this and often seek to thwart HBSS' appointment as a lead counsel.

Winning is especially important to HBSS because our compensation depends so much on our performance. We devote approximately 95 percent of our time to litigation under fee agreements that tie our pay to the results we achieve, not to the hours we bill. We have developed innovative contingent and flat fee arrangements with many clients, including partial contingent fees that reduce our hourly rates for a stake in the outcome. We have even used reverse contingent fee arrangements for defending cases where the amount we saved our clients determined our compensation.

Working at our own risk and expense encourages efficient work habits. That efficient approach carries over to our hourly business. The quality of our service, the lack of duplication of effort, access to your lawyers, and our ability to gear up quickly to handle your case all make selecting HBSS a cost-effective decision.

### Our Offices

As we have flourished over the years, we have increased our national presence through a network of branch offices in Phoenix, Los Angeles, Cambridge, and Chicago.

Founded in 1995, our Phoenix office has driven important litigation and has a strong legal presence in Arizona and the southwest. Shortly thereafter in 1996, we founded the Los Angeles office, which manages our significant case load in California.

In June 2002, our firm opened an office in the Boston area. Now referred to as the Cambridge office, this office leads our drug litigation efforts, challenging the prices of dozens of prescription drugs, and claiming that manufacturers artificially drove up drug prices through numerous anti-competitive practices.

Finally, in another step to become the nation's premier law firm in class-action and large-scale litigation, we created a Chicago branch in 2004. The firm first created a presence among Illinois' legal and political scene with the landmark litigation against the tobacco industry, in which Steve Berman served as special assistant attorney general for the state.

**Expanding our Reach**

In recent years, our firm has expanded its practice to include representing governmental entities, including actions against the tobacco industry and the pharmaceutical industry. In the groundbreaking state tobacco litigation, the firm represented the states of Alaska, Arizona, Idaho, Illinois, Indiana, Montana, Nevada, New York, Ohio, Oregon, Rhode Island, Vermont, and Washington as special assistant attorneys general in their law enforcement actions against the tobacco industry. Our firm has also served as court-appointed lead class counsel in state and federal litigation in states throughout the country, with heavy caseloads in Arizona, California, Idaho, Illinois, New York, Oregon, and Washington. Hagens Berman Sobol Shapiro's lawyers have played leading and major roles in cases that have resulted in total recoveries of more than \$260 billion.

## Our Success

### **STATE OF WASHINGTON, ET AL. V. PHILIP MORRIS, ET AL.**

HBSS represented 13 states in the largest recovery in litigation history (\$20 billion recovery).

### **IN RE VISA-MASTERCARD ANTITRUST LITIGATION**

HBSS served as co-lead counsel in the largest antitrust settlement in history – valued at \$27 billion.

### **ENRON ERISA LITIGATION**

HBSS is co-lead counsel in the ERISA litigation that has recovered in excess of \$100 million to date.

### **TENET HEALTHCARE LITIGATION**

The firm obtained a settlement – the first of its kind – on behalf of a class of 2 million uninsured patients in 19 different states. Based on novel theories upheld by the court, HBSS helped create a first of its kind settlement recently featured in the National Law Journal.

### **LUPRON SETTLEMENT**

A \$150 million settlement on behalf of patients using Lupron for prostate cancer.

### **RELAFEN SETTLEMENT**

A \$75 million settlement in favor of plaintiffs who purchased Relafen.

### **HUNGARIAN GOLD TRAIN SETTLEMENT**

In 2001 HBSS filed a class-action suit against the United States on behalf of Hungarian Holocaust survivors. The suit claimed the plaintiffs' valuable personal property was loaded on a train by the Hungarian Nazi government during the waning days of WWII. The United States Army later seized the train and its contents. The suit contends that the property was never returned to its owners or heirs, and was instead unlawfully appropriated by the U.S.

The proposed settlement in the case of *Rosner, et al. v. United States* creates a \$25.5 million settlement fund, and provides for a statement by the United States government acknowledging the events surrounding the Gold Train property. Because of the passage of time, lost documentation, and lack of an inventory, there is limited information about the specific items that were on the Gold Train and taken into U.S. custody in 1945. Thus it is very hard to fairly assess and compensate individual class members based on their personal losses. Therefore, the U.S. government and representatives for the class have agreed that a minimum of \$21 million in the settlement fund be used to augment existing social welfare programs for Hungarian victims of Nazi persecution. The settlement agreement also allocates \$500,000 to fund and create an archival collection of information and artifacts for the benefit of the class and other educational purposes.

## Leading Edge Cases

**CB RICHARD ELLIS SEXUAL HARASSMENT LITIGATION.** Hagens Berman Sobol Shapiro has filed a class-action lawsuit against CB Richard Ellis, Inc. on behalf of a group of female employees. Filed in U.S. District Court in Illinois, the suit claims that the company has perpetuated a climate of severe sexual harassment against its female employees. According to the complaint, CB Richard Ellis discriminates against female employees by subjecting them to a hostile, intimidating and offensive work environment, which has resulted in emotional distress and other physical and economic injuries to the class.

The complaint details specific statements and actions directed at the suit's five named plaintiffs and other female employees at CB Richard Ellis. A sampling of such actions include unwanted touching, staring, sexist insults, and everyday occurrences of lewd and sexually charged remarks made by male employees and members of management, the suit states.

**DRAM MANUFACTURERS LITIGATION.** Hagens Berman Sobol Shapiro has filed a suit on behalf of purchasers of DRAM (Dynamic Random Access Memory) from Micron Technology, Crucial Technologies, Infineon Technologies, Hynix Semiconductor Inc. and Samsung Electronics, claiming the companies secretly agreed to reduce supply of DRAM in order to artificially raise prices.

According to the suit, the companies conduct caused Michael Dell, founder and CEO of Dell Computers, to state during a news conference, "I think we saw cartel-like behavior by a couple of DRAM suppliers."

The proposed class action seeks to represent all persons who purchased DRAM from the defendant companies from December 1, 2001 through June 18, 2002.

HBSS won an appointment as co-lead counsel in a contested hearing.

**PFIZER LITIGATION (LIPITOR).** The lawsuit alleges that Pfizer engaged in a massive campaign to convince both doctors and patients that Lipitor is a beneficial treatment for nearly everyone with elevated cholesterol, even though no studies have shown it to be effective for women and those over 65 years of age who do not already have heart disease or diabetes.

Normally, drugs become widely used as treatments for patients only when a well-designed clinical trial finds that the drug is safe and effective for patients of the same type and age. No such trial has shown that Lipitor helps the elderly or females without prior heart disease. In launching the suit, Steve Berman noted that "we believe Pfizer intentionally ignored the scientific evidence – and lack thereof – and launched a multi-million dollar ad campaign designed to push the drug to anyone they could convince to buy it." "We intend to prove that Pfizer pocketed billions in sales to those who do not benefit from Lipitor."

Lipitor is in the class of cholesterol-lowering drugs called statins and it is the best-selling drug in the world, with sales in 2004 of more than \$10 billion.

**PFIZER LITIGATION (CELEBREX).** Hagens Berman Sobol Shapiro has filed a lawsuit on behalf of consumers who purchased the drug Celebrex®. The suit claims that the drug's distributor, Pfizer, Inc., launched an aggressive and misleading marketing campaign to promote Celebrex, while failing to warn consumers that the drug poses risks of blood clots, heart attack, stroke, and other cardiovascular problems.

According to the complaint, Celebrex ads overstate its safety by saying that it provides effective pain relief without the side effects inherent to similar drugs. The misleading ads drove the demand and price of Celebrex beyond what it would have been, had Pfizer truthfully disclosed the drug's risks, the suit states.

Pfizer's misrepresentation of Celebrex is apparent in the process it used to gain approval by the FDA, the complaint alleges. The suit claims that despite Pfizer's prior knowledge that Celebrex posed serious heart risks, it chose to downplay these risks and push the drug on claims that it improves gastrointestinal safety. To support these claims, in 1998 Pfizer funded a clinical CLASS trial to show that Celebrex has greater gastrointestinal safety than traditional pain relievers such as aspirin and ibuprofen. The suit also contends that in Pfizer's plan to gain swift FDA approval, it did not conduct any significant tests on cardiovascular safety, or publish any data on cardiovascular events from the CLASS trial. Therefore, having only reviewed the results of the gastrointestinal safety tests, the FDA approved Celebrex for the relief of osteoarthritis in December 1998, the suit states.

Once it gained approval, Pfizer's advertising campaign proved very profitable, the suit claims. Though the company spent more than \$400 million on direct-to-consumer advertising for Celebrex, sales have yielded billions of dollars, including \$2.3 billion for the first three quarters of 2004, the lawsuit states.

**340B LITIGATION.** A class-action complaint against AstraZeneca, Pfizer, Bristol-Myers Squibb, and several other drug companies has been filed on behalf of California cities and counties that fund participants in the 340B Drug Discount Program.

The proposed suit alleges that the pharmaceutical companies in question wrongfully inflated the price of drugs purchased as a part of the 340B program. The complaint claims that the defendants' actions are a violation of California's Business and Professional Code and the False Claims Act, and that the defendants benefited from Unjust Enrichment.

**CHAMPION MOBILE HOME LITIGATION.** HBSS has filed a class-action complaint against Champion Enterprises, a Michigan-based manufacturer and retailer of modular homes. The proposed suit claims that mobile homes manufactured by Champion and its subsidiaries are improperly designed and constructed, and contain an inadequate vapor barrier on the "living side" of the mobile home walls. According to the complaint, the improper application of the vapor barrier has caused excessive vapor condensation on the exterior walls of homes in the Gulf Coast region, leading to premature deterioration of the wall materials and fungal growth.

The proposed suit represents all persons in Louisiana who purchased mobile homes manufactured by Champion and its subsidiaries between May 15, 1995 and the present.

**TENET HEALTHCARE.** HBSS pioneered this suit with claims against Tenet Healthcare Corporation. Originally filed in December 2002, the lawsuit claimed that patients not covered by insurance plans were charged excessive prices at 114 hospitals owned and operated by Tenet subsidiaries in 16 different states.

The settlement class includes any uninsured patient who received medically necessary services at any of its hospitals between June 15, 1999 and December 31, 2004, and paid for services based on the hospital's gross charges. Under the terms of the proposed settlement, Tenet has agreed to refund amounts paid in excess of certain thresholds.

**HOSPITAL CORPORATION OF AMERICA (HCA).** HBSS has filed a nationwide class-action lawsuit on behalf of individual patients against Hospital Corporation of America (HCA).

The suit alleges that since October of 2000 HCA has artificially inflated their gross charges resulting in significantly higher rates than the national average. According to the complaint, the aggressive pricing strategy was an effort to increase revenues and profits at the expense of the Medicare program and those without the bargaining power of an insurance company. On average, those with insurance pay 40 to 80 percent less than those without insurance.

The suit seeks to represent individuals who received medical care and/or purchased products from any HCA facility and are uninsured, or those whose insurance does not cover full charges, or those who are



self-insured, or those individuals with Medicare and/or Medicaid who made co-payments based on a percentage of the gross rate.

HCA owns or operates approximately 190 general acute care hospitals, plus additional related health care facilities in 23 states.

**INTEL ANTITRUST LITIGATION.** HBSS has filed the nation's first proposed class-action lawsuit against Intel on behalf of consumers, claiming the microprocessor giant has unlawfully maintained a monopoly by engaging in a relentless, worldwide campaign to coerce customers to refrain from dealing with AMD, another microprocessor manufacturer.

According to the suit, consumers ultimately foot this bill, in the form of inflated PC prices and the loss of freedom to purchase computer products that best fit their needs.

The proposed class action includes all United States residents who purchased a microprocessor in the United States indirectly from Intel from June 29, 2001 through the present.

# The Practice

## AN OVERVIEW OF CURRENT LITIGATION\*

**ANTITRUST LITIGATION.** Hagens Berman Sobol Shapiro works to keep marketplaces free of price fixing and collusion, protecting the availability of high quality, low priced goods. The firm's antitrust practice includes nationally certified class actions against manufacturers of disposable contact lenses and a high-profile case in which the Justice Department has commenced parallel proceedings challenging the charges imposed by Visa and MasterCard in connection with use of the debit card.

Microsoft recently honored the firm by selecting Hagens Berman to represent the company in antitrust litigation. The firm currently assists as national counsel in more than 100 class actions currently faced by the company.

In another major antitrust action the firm has been named lead trial counsel in the case of **Information Resources, Inc. v. A.C. Nielsen** where the damages when trebled exceed \$1 billion.

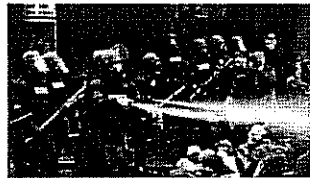
**CIVIL RIGHTS.** Hagens Berman Sobol Shapiro actively seeks out complex civil rights cases, taking on the role of advocate for a variety of individuals and organizations. The firm vigilantly keeps abreast of new state and national legislation that allows it to better represent its clients, including diverse communities such as World War II prisoners of war and conscripted civilians.

Currently, Hagens Berman Sobol Shapiro leads a team of lawyers in the **Hungarian Gold Train** case. The firm's involvement follows from its representation of former forced and enslaved laborers for German companies in the Nazi Slave Labor Litigation.

In conjunction with the Trial Lawyers for Public Justice, the firm recently won a settlement from city officials after filing a class action claiming violation of the First and Fourth Amendments. Tens of thousands of Seattle citizens became targets during their peaceful protest of the WTO convention on December 1, 1999. After Seattle officials banned any form of peaceful protest, Seattle police attacked anyone found in the designated "no protest" zones with rubber bullets and tear gas, arresting and incarcerating city residents for three to four days.

Riot Police Douse Peaceful Protesters with Pepper Spray

Riot Police Confront Protestors on Downtown Seattle Streets



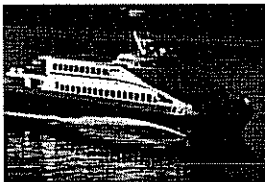

---

\* In alphabetical order.

**CONSUMER LITIGATION.** Using large-scale litigation to pressure defendants who defraud or take advantage of customers, **Hagens Berman Sobol Shapiro** pursues opportunities to confront deceptive advertising practices, financing and insurance scams, and redlining practices, among other consumer fraud techniques. Consumer litigation remains one of the firm's largest practice areas, with attorneys representing millions of consumers in numerous actions.

**DRUG LITIGATION.** The firm actively engages in litigation that improves the quality of health products and medical systems, and confronts unscrupulous medical distributors and producers of products such as pharmaceutical drugs, herbal supplements and beauty products. **Hagens Berman Sobol Shapiro** frequently partners with consumer interest and senior organizations to challenge false advertising, pricing schemes, and other drug fraud activities.

Recent successes include reaching a settlement on behalf of all diet drug users in Montana and exerting landmark pressure on **Abbott Laboratories** causing them to send a letter warning laboratories about the risks of false positives in their tests for hCG. **Hagens Berman Sobol Shapiro** represents several plaintiffs in important litigation against **Abbott** after false positives erroneously diagnosed plaintiffs with cancer leading to unnecessary treatment including, in some cases, hysterectomies. In 2003, the firm settled a case against **Rexall** representing thousands of women who purchased their cellulite-fighting product "Cellasene." The plaintiffs alleged that the product didn't work, and **Hagens Berman Sobol Shapiro** filed the first case in the nation challenging Celasene marketing. The FTC recently filed a similar action against Rexall.



Washington State Ferry  
Chinook

**ENVIRONMENTAL LITIGATION.** Believing that protecting and repairing our ecosystem from irresponsible use is some of the most rewarding work a law firm can do, the firm frequently represents homeowners and landowners injured by environmental abuses. The firm has handled a variety of landmark environmental litigation cases in the Northwest and internationally, using relationships with top-notch environmental experts to develop compelling arguments.

In a recent high-profile case, the firm successfully pursued a class action on the adverse environmental impacts of fast ferry service in Washington state. The settlement brought relief to the class members and slowed ferry vessels when traveling in sensitive areas. In other litigation, the firm represented plaintiffs in a case against **Kerr-McGee**, on behalf of thousands of persons exposed to radioactive material in a residential area in West Chicago, Illinois.

The firm's Arizona office represented the **Sierra Club** in a case challenging the U.S. Forest Service's approval of a commercial shopping center on the edge of the Grand Canyon. The District Court granted the firm's request to enjoin development of the shopping mall, protecting the Grand Canyon from overdevelopment.

**ERISA LITIGATION.** The federal Employee Retirement Income Security Act (ERISA) spells out the fiduciary duties that plan trustees owe to participants and beneficiaries in retirement programs such as stock options or 401(k) plans, along with guidelines on disability, medical insurance, and severance pay.

**Hagens Berman Sobol Shapiro** specializes in recovering pension and retirement funds lost due to imprudent direction by plan directors, as well as safeguarding the rights of plan participants. Courts have recognized the firm's aptitude in handling large ERISA cases, most recently appointing the firm co-lead counsel in the **Enron** employee litigation. The firm is also litigating ERISA cases on behalf of employees of IPALCO, UAL and Montana Power.

The firm pioneered the discovery of fraud in discounts to employee health plans, representing thousands of **Blue Cross** health insurance plan participants in 10 states who allege that the insurer overcharges participants, obtaining discounts from hospitals but not passing that savings along when calculating co-payments.

The firm's discovery led to a Congressional inquiry concerning the company's billing practices. **Hagens Berman Sobol Shapiro** also represents plaintiffs in a proposed class action against **Regence**, breaking new ground in the coverage of contraceptives by health insurance plans.

**INSTITUTIONAL INVESTOR LITIGATION.** **Hagens Berman Sobol Shapiro** provides specialized securities litigation services to public, private and Taft-Hartley pension funds, offering its proprietary and unparalleled asset protection and recovery services to both foreign and domestic institutions. By giving clients the ability to identify, investigate and react to potential wrongdoing by companies in which they invest, the firm enables them to be proactive, not merely reactive.

Recent class actions led by **Hagens Berman Sobol Shapiro** obtained significant settlements. In the **Morrison Knudsen** case, the firm secured a settlement of approximately 60 percent of the largest estimates of possible losses for class members, while in the **Oppenheimer Delta Partners Litigation** the class was awarded settlements of approximately 80 percent of possible losses. In the **Midisoft** case, **Hagens Berman Sobol Shapiro** obtained more than 50 percent of total damages. Numerous other recent cases such as **Waste Management** and **Cendant** have obtained hundreds of millions of dollars in settlements and recovered a large percentage of damages for injured shareholders.

**INTELLECTUAL PROPERTY LITIGATION.** **Hagens Berman Sobol Shapiro** has handled numerous cases involving various aspects of intellectual property (IP). Acting on inquiries from individuals and corporations, HBSS has conducted several investigations into the prosecution and defense of IP rights. IP law is designed to protect the property created by intellect, such as designs used in commerce, including inventions, patents, copyright, and trade dress. IP creations also include artistic works and literary works. In recent years, with the development of new electronic technology, advanced and specialized computer programs and Internet commerce, the definition of IP and how to protect the rights of such property has created very complicated and complex business issues. HBSS has successfully prosecuted and defended individuals and corporations in the area of intellectual property.

**LABOR LITIGATION.** **Hagens Berman Sobol Shapiro** takes a special interest in protecting workers from exploitation, and seeks out cases with potential for ending the largest and most heinous worker abuses. Since employees often lack the individual power to bring about meaningful change in the workplace, the firm typically represents classes of employees in litigation suits including race discrimination, immigrant worker controversy, hour and wage issues, on-the-job injury settlements and other crucial workplace issues.

**Hagens Berman Sobol Shapiro** represents female workers at Boeing facilities in Tulsa, California and other locations, challenging disparities in pay and promotion. The firm also filed a proposed class action on behalf of resident alien workers who claim that the use of illegal workers has unlawfully depressed their wages. Other wage and hour class actions include cases on behalf of workers who were not properly paid for overtime, including a now-settled case against **Denny's** on behalf of its employees, and on behalf of employees of General Electric Aircraft alleging wage and hour violations.

**PRODUCT LIABILITY LITIGATION.** When a product fails to meet accepted or advertised standards, the results can be hazardous or even deadly. In such cases, consumers deserve a right to redress. **Hagens Berman Sobol Shapiro's** product liability practice represents consumers in variety of product cases including automobile defects, home equipment and defective software.

Firm successes include a settlement involving **Louisiana-Pacific Siding** in which more than 130,000 claims have been paid exceeding \$500 million and a \$925 million settlement in a polybutylene piping case. **Hagens Berman Sobol Shapiro** also represents plaintiffs alleging defects in trunk release mechanisms in a case surrounding the death of four children who died locked in the trunk of a car. The firm continues to pursue Ford and Nissan on behalf of consumers with defective accelerators.

**SECURITIES LITIGATION.** A cornerstone of the firm's practice, **Hagens Berman Sobol Shapiro** contests securities fraud in courts across the nation. To prosecute these complex cases, the firm uses highly experienced experts in a variety of fields as an integral part of the prosecution team, expanding the group's expertise in sophisticated financial and accounting issues.

In a high-profile case, **Hagens Berman Sobol Shapiro** pursued **Boeing** after a tremendous stock loss resulted from the company allegedly conspiring to conceal production problems and bolster share prices through the conclusion of a stock-swap purchase of **McDonnell Douglas**. After several years of intense discovery and litigation, **Boeing** eventually agreed to a settlement that provided more than \$92 million to recoup investors for their losses.

The firm has also acted as co-lead counsel and plaintiffs' counsel representing investors in class actions for securities violations against a variety of corporations including **WPPSS**, **Boston Chicken**, **Oppenheimer**, **PriceCostco**, **MK Rail**, **Bonneville Pacific**, **Mercer International**, and **Omega Environmental**.

**PERSONAL INJURY LITIGATION.** Committed to justice and appropriate compensation in issues of personal injury and wrongful death, the firm assists clients in a range of personal injury litigation. **Hagens Berman Sobol Shapiro** knows that the health and quality of life of our clients hangs in the balance of the firm's work and has developed an exceptional track record in obtaining significant settlements and awards for the firm's clients.

Cases include **Latex Glove Product Liability Litigation** after nurses and other healthcare providers developed disabling chemical reactions to latex gloves as a result of continuously wearing them on the job, and claims against a **nursing home** where a drug-addicted worker deprived residents of needed pain medications, appropriating the medications for themselves. Another client reached a significant settlement for his permanent injury after logs fell off a truck on its way to a mill, crushing his car with him in it.

**SPECIAL CIRCUMSTANCES LITIGATION.** Certain significant **Hagens Berman Sobol Shapiro** cases fail to fall within an overarching practice area but are substantial enough cases in themselves to represent an independent type of litigation. Special circumstances litigation includes cases ranging from inflated interest rates to slave labor, from illegal arrests to money laundering. Specific examples of special circumstances litigation are listed below:

- **ANHEUSER BUSCH/MILLER BREWING.** The firm represents the family of Casey Goodwin, a 20-year-old girl killed by an underage drunk driver, in a suit alleging that **Anheuser-Busch** and **Miller Brewing** both promote lemonade- and cola-like 'alcopops' with flashy youth targeted ads, promoting and facilitating underage drinking with reckless disregard for human life and the well-being of the public.
- **MORTGAGE PREMIUM LITIGATION.** The firm has filed suit on behalf of homeowners who have been victims of kickbacks to mortgage brokers who refer borrowers with good credit to the lender for loans with above-market interest rates. Along with the pending class actions, **Hagens Berman Sobol Shapiro** continues to investigate this and other disreputable lending industry schemes.
- **SWISS BANK LITIGATION.** During World War II, Nazis confiscated property and money from holocaust victims, depositing the money and goods into Swiss banks. **Hagens Berman Sobol Shapiro** represented holocaust victims who were victims of this theft, as well as those whose property was confiscated after directly depositing property into the bank. One of the largest money laundering schemes in history; the firm seeks damages and redress for the class.

**WHISTEBLOWER LITIGATION.** Hagens Berman Sobol Shapiro represents “whistleblowers” in a variety of industries with a significant number of cases involving clients using the False Claims Act to recover damages suffered by the federal government. Current cases include actions involving fraudulent Medicare billing, defense contractor fraud and distinctive theft cases.

## Newest Developments

**AVERAGE WHOLESALE PRICE DRUG LITIGATION.** Hagens Berman Sobol Shapiro represents plaintiffs in cases against drug manufacturers misrepresenting the prices paid to them for pharmaceuticals by physicians and pharmacies, thus reaping billions of dollars of profit at the expense of American consumers, including state Medicaid programs.

Recently appointed lead counsel in a proposed nationwide class action also focusing on abuse of AWP, Steve Berman and Tom Sobol now lead the case against pharmaceutical company defendants throughout the United States.

**ENRON EMPLOYEE LITIGATION.** The firm has been appointed co-lead counsel in the **Enron** case on behalf of 2,400 employees against defendants including, but not limited to, the **Enron** company, J.P. Morgan Chase & Co, Credit Suisse First Boston Corporation, CitiGroup, Arthur Anderson, LLP, and law firm Vinson & Elkins. A complaint amended in 2002 expanded the initial case alleging that the investment bankers and attorneys failed in their obligation to review the financial statements and legal status of **Enron** and were thus active participants in creating **Enron's** illusion of profitability. The concealing of **Enron's** true financial condition enabled **Enron**, its top executives and the other defendants to profit at the expense of employees who continued to invest in the company through the retirement and savings plans.

**EXXON MOBIL SECURITIES LITIGATION.** The merger of **Exxon-Mobil** created the largest corporation in history. Hagens Berman Sobol Shapiro is representing **Ohio Public Employees Retirement System** and **State Teachers Retirement System** in challenging the disclosures made by **Exxon** in connection with this merger.

**GRASS SEED LITIGATION.** Hagens Berman Sobol Shapiro filed a class-action suit on behalf of a group of Idaho residents against the state's grass-burning policy, claiming the practice endangers the health of thousands, especially those with respiratory conditions. The suit calls for an immediate end to grass burning and alleges that Idaho's burn policy, which allows grass-seed farmers to burn in excess of 20,000 acres every year, lags far behind other states - including neighboring Washington - which have effectively outlawed grass burning altogether.

Idaho State Court recently ruled that a state law giving Idaho grass-growers broad exemption from trespass and nuisance laws during field burning is unconstitutional. The law, passed in the last session of the Idaho state legislature, was part of a long-fought legal battle between grass growers and a group of individuals who suffer significant health effects from the smoke due to respiratory conditions.

**IPALCO LITIGATION.** The firm has brought a proposed class action against **Ipalco Enterprises**, an Indiana electric utility, and in particular **Ipalco** officers, alleging that the defendants breached their fiduciary duties under ERISA by investing most of the plan's assets in **Ipalco** stock while agreeing to a takeover by **AES**, wiping 90 percent off the value of the stock. Locked in and prevented from changing their options, plan members lost their assets while the officers dumped their own holdings prior to the takeover and the plummeting of the share price. In addition, the structure of the takeover agreement granted the same officers huge "termination benefits" totaling more than \$46 million.

**JP MORGAN CHASE SECURITIES LITIGATION.** This litigation seeks to recover losses incurred by investors in **JP Morgan** stock as the result of its exposure to liability for its lending activities with **Enron**. Several major banking institutions, including **Citigroup** and **JP Morgan**, helped precipitate the **Enron** debacle, and the suit alleges **JP Morgan** helped disguise transactions with **Enron**, treating loans as commodity transactions.



Hagens Berman Sobol Shapiro LLP is representing the ECA and Local 134 IBEW Joint Pension Trust of Chicago as the lead plaintiff, and the firm was recently appointed co-lead counsel in the case.

**RIO TINTO/BOUGAINVILLE LITIGATION.** In the Rio Tinto litigation, Hagens Berman Sobol Shapiro represents a proposed class of citizens of the Island of Bougainville. Rio operated the world's largest copper mine and dumped billions of tons of mine waste on the island. The extent of the pollution sparked an armed revolt to occupy the mine, shut it down and launched a ten-year war resulting in the death or injury of thousands. The complaint alleges that Rio's conduct in polluting the land, injuring the people and in inciting and/or participating in the conflict, violated international law.

**VISA/MASTERCARD ANTITRUST LITIGATION.** Hagens Berman Sobol Shapiro filed suit against credit card giants VISA and MasterCard on behalf of retailers, challenging charges the companies imposed in connection with use of debit cards. Hagens Berman Sobol Shapiro attorney George Sampson served as co-lead counsel in this matter, and helped direct all the lawyers working on the case by setting strategy and providing oversight on all matters.

Visa and MasterCard recently reached a \$3 billion cash settlement in the suit, and agreed to stop requiring retailers to accept both their credit and debit cards, lowering their transaction fees by about \$1 billion per year.



## Hagens Berman vs. Big Tobacco

Hagens Berman Sobol Shapiro played a major role in representing state government in litigation against the tobacco industry. Because of the unprecedented nature of this litigation, Hagens Berman Sobol Shapiro's role and approach is detailed here.

**A TRIAL HARDENED LITIGATION TEAM.** In the State Attorneys General actions, only two states actually took their cases to trial - Washington and Minnesota. This means that in a government tobacco law enforcement and medical cost recovery action, only two private firms in the entire country have trial experience against the industry - **Hagens Berman Sobol Shapiro** is one of those firms.

In the Washington case, the firm's managing partner Steve Berman was co-lead trial counsel. In this role at trial, he participated in voir dire, delivered the majority of the State's opening statement and presented witnesses, two of whom would become the most important witnesses in the liability phase of the case (Dr. Jack Henningfield, an expert on cigarette design, and Dr. William Farone, former director of research for Philip Morris). Steve also chaired major strategic decisions, and the firm assisted in the preparation of other witnesses presented by the State's other trial lawyers in the case.

**AN EMPHASIS ON LAW ENFORCEMENT.** **Hagens Berman Sobol Shapiro** was instrumental in developing what came to be accepted as the predominant legal tactic to use against the tobacco industry; to wit, emphasizing traditional law enforcement claims such as state consumer protection, antitrust and racketeering laws. Before **Hagens Berman Sobol Shapiro's** involvement in the state cases, the predominant claims being pursued by most of the states were traditional tort claims, which proved in many states to be unsuccessful. With the exception of the Idaho case, not a single court in a case where **Hagens Berman Sobol Shapiro** served as private counsel to a state dismissed a state's consumer protection or antitrust claims.

In three states - Arizona, Ohio and Oregon - **Hagens Berman Sobol Shapiro** took the lead in pressing the respective states' racketeering statutes and, as a result, the tobacco defendants were faced with the very real prospect of a profits disgorgement remedy, penalties and, in the case of Ohio, the payment of double damages.

**EXCELLENT WITNESS RAPPORT.** One of the keys to beating the tobacco industry lies with presenting the proper witnesses, both expert and lay witnesses. With so many states in litigation against the industry, the time and resources of many of the important expert witnesses were taxed. As a result, several witnesses decided to limit their involvement to a small number of states. We found that some of these witnesses most approved of the manner in which **Hagens Berman Sobol Shapiro** assisted in the preparation and presentation of their testimony. Therefore, our firm and the states we worked with became priority clients of these witnesses.

**LEGAL RESEARCH AND BRIEFING.** With the emphasis on law enforcement claims, **Hagens Berman Sobol Shapiro** attorneys built on their already considerable experience utilizing consumer statutes and became experts in consumer protection, antitrust and racketeering laws in the states the firm represented. Because many of these state statutes were patterned after and followed federal law, our expertise with the FTC Act, the Clayton and Sherman Acts, and federal RICO grew. In each state we represented, **Hagens Berman Sobol Shapiro** took the lead in opposing defendants' onslaught of motions to dismiss and, where applicable, motions for summary judgment. As the record reflects, we achieved a remarkable degree of success in these endeavors.

**LIABILITY DOCUMENT DATABASE.** Hagens Berman Sobol Shapiro helped initiate and coordinate the so-called multi-state document review project. This was instituted to ensure that all relevant documents were produced, reviewed and selected for use by the states in the Attorneys General actions. More than 30 million documents were reviewed under the firm's supervision by 12 lawyers from the firm and more than 40 assistant attorneys general. As a result of these efforts, we have compiled comprehensive liability documents that are readily searchable by employing a variety of search criteria and are easily accessible. In addition, having gone to trial against the industry, we organized the best or "hottest" liability documents in our trial exhibit notebooks.

**DE-PRIVILEGING EXPERTISE.** Some of the most damaging liability documents for the industry were and are improperly cloaked from discovery by false claims of attorney-client and work product privilege. Many of these documents were brought to light in the Minnesota litigation, but thousands remained. In a coordinated strategy employed across many of the states that Hagens Berman Sobol Shapiro represented, we continued the de-privileging of these important documents. This effort required countless hours in hearings with judges and special masters, in addition to extensive briefing.

**A FOCUS ON TARGETING MINORS.** In tandem with our general law enforcement approach, Hagens Berman Sobol Shapiro focused the state legal claims on the industry's deplorable practice of luring children to tobacco use. As part of this focus, in Arizona and Ohio we commissioned an expert survey of adolescents' perception of tobacco advertising in general and, more specifically, on the deception of RJR's Winston 'No Bull/No Additives' campaign. The survey data revealed that the vast majority of minors exposed to the campaign believed that the 'No Additives' slogan meant that the cigarette was either less addicting, safer or less harmful to health (when, of course, this was not true). This campaign was the target of a preliminary injunction motion in the Arizona case that was still pending when the states settled their cases. On March 3, 1998, the FTC announced it settled a claim it had subsequently filed on this issue based on our work in Arizona.

**TESTING OUR TRIAL STRATEGY WITH FOCUS GROUP STUDIES.** Hagens Berman Sobol Shapiro conducted numerous focus groups in different states, thus acquiring unparalleled experience with the reactions of potential jurors.

**SERVING THE ELECTED CLIENT.** Hagens Berman Sobol Shapiro was chosen, after competitive bidding, as counsel for 13 states, including those with Democratic and Republican leadership. The reason for our retention, in addition to excellent trial skills and complex litigation service, was our sensitivity to the needs of clients who were elected officials.

**KEY ROLE IN THE NATIONAL SETTLEMENT NEGOTIATIONS.** Steve Berman and Steven Mitchell were both heavily involved in the proposed June 20, 1997 national settlement and the November 1998 final state settlement that settled all of the state's cases for \$206 billion. As such, both have unparalleled experience in negotiating with tobacco industry lawyers and the tobacco companies' CEOs.

**TRIAL EXPERIENCE.** The trial of the Washington case was one of the largest trials conducted in the United States, lasting three months. Thousands of exhibits were offered into evidence and the case was presented using state-of-the-art technology.

## A Short Historical Perspective

(in alphabetical order)

**ALDUS LITIGATION.** The firm acted as co-lead counsel for shareholders in an action settled for payment of up to \$10.6 million to Aldus shareholders.

**EGGHEAD LITIGATION.** In two separate cases, the firm acted as lead counsel for shareholders injured as a result of misrepresentations made in connection with Egghead's initial public offering of common stock, and secondary trading in Egghead stock.

**FOODMAKER LITIGATION.** The firm acted as co-lead counsel after Foodmaker's stock declined in reaction to the Jack-in-the-Box poisoning outbreak. The discovery work done by the firm was utilized and copied by personal injury lawyers who recovered in excess of \$100 million from Foodmaker.

**IMMUNEX LITIGATION.** The firm acted as co-lead counsel on behalf of a class of purchasers of Immunex stock. A settlement of \$14 million was approved by the federal court.

**INTERMEC LITIGATION.** The firm acted as co-lead counsel for shareholders after Intermec stock dropped 30 percent in value over a two-quarter period as a result of a succession of overly optimistic earnings estimates. Our efforts netted a \$5.9 million settlement for the shareholders.

**LOUISIANA-PACIFIC SIDING LITIGATION.** The firm acted as co-lead counsel on a consumer case arising from the failure of a new type of hardboard siding used to clad homes. Over a million consumers are in the class. The case resulted in a landmark, highly favorable settlement that has resulted in compensation for homeowners across the country.

**MICHAEL MILKEN LITIGATION.** The firm, on behalf of beneficiaries of several Washington State public employee pension funds which are administered by the Washington State Investments Board ('WSIB'), brought a RICO and breach of fiduciary duty suit against noted junk bond king Michael Milken, and over forty individuals who were involved as principals or participants in the leveraged buyouts of Beatrice, Safeway, Pace, City and Motel Six. This case pitted the firm against some of America's most powerful individuals and companies. A settlement was reached and received final approval from the Court.

**MORRISON KNUDSEN LITIGATION ('MK').** MK was at the time the largest employer in Boise, Idaho. After a significant write off, Hagens Berman Sobol Shapiro filed a shareholder class action, alleging that MK's CEO, William Agee, and other officers, had misled the investors as to MK's true status. The lawsuit claimed that MK was concealing hundreds of millions in losses. In Boise, the public and even the Court were skeptical that this venerable local company could have misled investors. After bitterly fighting the suit, MK ousted Agee and admitted that it was facing hundreds of millions in losses and declared bankruptcy. Hagens Berman Sobol Shapiro was able to recover over \$63 million for investors, resulting in what is believed to be the largest settlement in the State of Idaho (except in the tobacco case).

**NORDSTROM LITIGATION.** The firm acted as co-lead counsel for shareholders claiming that the company had misrepresented its liabilities for labor in publicly filed documents distributed to the Investment Community. Steve Berman obtained a \$7.5 million settlement from the company and its inside directors.

**PIPER JAFFRAY.** This action was brought as a class action on behalf of purchasers of common shares of eight closed-end investment companies established, marketed and operated by the Piper Jaffray Companies, Inc., and various subsidiaries. These funds contained Mortgage-backed securities that were routinely referred to as 'AAA' or 'government securities' by defendants in an effort to convince investors

of their overall safety. Defendants ignored or misrepresented the effect that interest rate or market risks would have on these types of investments. In reality, these securities are extremely complex and intricate and are acutely sensitive to changes in market interest rates and are often used as part of an overall strategy to speculate on the course of market interest rates in the future. Unfortunately for Class members, the Defendants lost their gamble on interest rates using the shareholders' money. Market interest rates rose sharply throughout 1994, dealing a devastating blow to the speculative portfolios of the various closed-end funds. Due to the undisclosed risks that defendants undertook, the closed-end funds – and the Class members – suffered massive losses.

A settlement valued at over \$50 million was achieved.

**SPOKANE ASPHALT ANTITRUST LITIGATION.** Carl Hagens and Steve Berman represented independent asphalt pavers who had been excluded from the Spokane asphalt industry. As a result of the case, the Spokane paving industry is open to independent contractors.

**U.S. WEST LITIGATION.** The firm represented shareholders of U.S. West New Vector in a challenge to the proposed buyout of minority shareholders by U.S. West. As a result of this litigation, the proposed buyout was stayed, and a settlement was achieved that resulted in a \$63 million increase in the price of the buyout.

**WASHINGTON PUBLIC POWER SUPPLY SYSTEM SECURITIES LITIGATION.** Steve Berman and James Solimano represented bondholders and the bondholder trustee of WPPSS Nuclear Projects 4 and 5 bonds. Following the largest municipal bond default in history (\$2.25 billion), the trustee, joined by bondholders, brought one of the most complex and protracted securities fraud cases ever filed. After more than five years of intensive litigation, the trustee and the other plaintiffs recovered in excess of \$850 million in settlements from more than 100 defendants. The implementation of various settlement agreements continues and will be a firm matter.

**WASHINGTON STATE FERRY WORKERS WAGE LITIGATION.** The firm represented a class of on-call seamen who alleged that they were not paid for being 'on call' in violation of federal and state law. The case resulted in a rearrangement in work assignments and of the 'on call' system that has resulted in better working conditions.

**WPPSS COST SHARING LITIGATION.** The firm represented Chemical Bank, the trustee for WPPSS Projects 4 and 5 bondholders, in litigation against nearly 100 defendants. The bank recovered \$55 million in costs misallocated among the WPPSS nuclear projects.

## Securities Litigation

Securities litigation has been one of the cornerstones of **Hagens Berman Sobol Shapiro's** practice since the inception of our firm. We have recovered hundreds of millions of dollars for institutional and individual investors defrauded by unscrupulous management of publicly held corporations.

In light of recent cases, such as Enron, **Hagens Berman Sobol Shapiro's** work is even more well recognized as crucial to protecting the rights of investors.

**Hagens Berman Sobol Shapiro** provides unparalleled services to combat corporate fraud. Our attorneys are experts in a wide array of issues unique to specific industries. We also use highly experienced experts in a variety of fields as an integral part of the prosecution team.

According to the former Chairman of the SEC, Arthur Levitt, "... we are witnessing an erosion in the quality of earnings, and therefore the quality of financial reporting. Managing may be giving way to manipulation; Integrity may be losing out to illusion."<sup>1</sup>

We recognize that investing is, by nature, a speculative business involving a wide variety of risks. But no money manager or individual investor should be forced to endure undue risk as a result of misreported financial conditions. We vigorously pursue fraud recovery litigation that forces corporations to answer to the investors they have deceived.

Our firm has represented investors in nationwide class actions for securities violations against WPPSS, Boeing, Einstein-Noah Bagel, Boston Chicken, Exxon-Mobil, Oppenheimer, Morrison Knudsen, ProCyt, Wall Data, PriceCostco, MK Rail, Bonneville Pacific, Mercer International, NeoRx, Egghead and Omega Environmental.

We currently have securities actions in California, Colorado, Florida, Idaho, Michigan, Utah, Tennessee, Texas, Minnesota, New York, and Washington.

---

<sup>1</sup> *The Numbers Game*, remarks by Arthur Levitt on September 28, 1998 at the NYU Center for Law and Business.

## SERVICES PROVIDED TO INSTITUTIONAL INVESTORS

**Hagens Berman Sobol Shapiro** is a leading provider of specialized securities litigation services to public, private and Taft-Hartley pension funds. We offer proprietary and unparalleled asset protection and recovery services to both foreign and domestic institutions. Our institutional services provide participants with the ability to identify, investigate and react to potential wrongdoing by companies they invest in.

Our program enables clients to be proactive, not reactive. We update our clients on an ongoing basis regarding their exposure and advise them on their legal rights and potential remedies. We make a commitment to our institutional and pension fund clients to protect and defend all of their rights as shareholders and guardians of their beneficiaries' retirement funds.

When money managers suffer lost percentage points as a result of corporate deception, our litigation services allow them to recover a substantial percentage of those losses, increasing the money manager's performance. However, we realize that as a fiduciary, money managers may not have the ability or desire to risk funds on speculative litigation using typical hourly-rate law firms. Therefore, **Hagens Berman Sobol Shapiro** provides institutional investors with several methods of fraud recovery litigation services.

Depending on the size and facts of the case, we may bring individual action on behalf of the institutional investor. Another method is for the institutional investor to be the lead plaintiff in a securities class action against the offending company. **Hagens Berman Sobol Shapiro** helps clients decide which course of action is best for them, and is well-qualified to pursue either method of recovery.

## THE VALUE OF CLASS-ACTION LITIGATION

Many class-action cases are very successful, and provide meaningful recoveries to the class members. For example, the Morrison Knudsen and Oppenheimer Delta Partners litigations - both led by **Hagens Berman Sobol Shapiro** - obtained settlements of approximately 60 percent and 80 percent, respectively, of the largest estimates of possible losses for the class members. The Midisoft case, also directed by **Hagens Berman Sobol Shapiro**, obtained more than 50 percent of total damages. Many other recent cases, such as Waste Management and Cendant, have obtained hundreds of millions of dollars in settlements and recovered a large percentage of damages for injured shareholders.

## DUTIES OF A LEAD PLAINTIFF

As the lead plaintiff in a class action, the court requires that you will adequately and fairly represent the class. To perform these duties, the institution must be familiar with the litigation. This does not mean it must know every aspect of the litigation. **Hagens Berman Sobol Shapiro** will keep the institution informed of major events and this will satisfy its duty.

The institution may and should confer with us at any time it feels it is appropriate. The institution must also agree to vigorously prosecute the litigation. Meaning, you must hire lawyers experienced in class-action litigation. **Hagens Berman Sobol Shapiro** has national experience in class actions, and has vigorously prosecuted numerous securities fraud class-action cases, with combined recoveries in the hundreds of millions of dollars.

All costs in prosecuting a class action are advanced and paid by **Hagens Berman Sobol Shapiro**, and the institution is not responsible for their payment whether we are successful or unsuccessful.

In short, the institution has minimal time commitments and no financial responsibilities, but will be encouraged to provide its opinions and insights.

#### **AN INSTITUTION'S PRESENCE CAN DRAMATICALLY AFFECT THE LITIGATION**

As lead plaintiff, an institution has a direct influence on the strategies and disposition of the case, thereby having a profound effect on the ultimate success of the litigation.

As lead plaintiff, the institution will be a key member of the decision-making team. It will be able to help decide if a contemplated settlement is too low or if it is reasonable under the circumstances. For institutions that have been unhappy with the returns from previous class-action lawsuits they have participated in, overseeing the process to ensure that they are happy with the ultimate result is a compelling reason to participate.



## Environmental Litigation

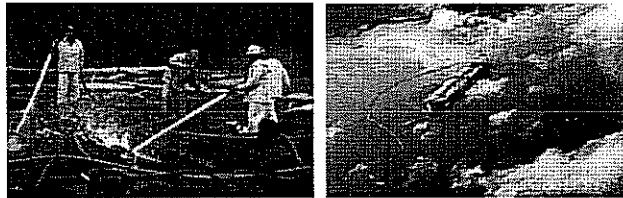
Environmental litigation on behalf of victims of toxic spills or pollution and other land use practices is also an increasing area of focus for **Hagens Berman Sobol Shapiro**. The following is a profile of some of our cases.

**CHINOOK FERRY LITIGATION.** The firm represented a class of property owners who challenged Washington State Ferries' high-speed operation of a new generation of fast ferries in an environmentally sensitive area of Puget Sound. Two of the ferries at issue, the *Chinook* and *Snohomish*, caused environmental havoc and property damage, compelling the property owners to take action. After a successful preliminary trial, the trial court enjoined the operation of the ferries at high speed pending compliance with environmental laws, which was later overturned on appeal by the Washington Supreme Court. A SEPA study conducted in response to the suit confirmed the adverse environmental impacts of the fast ferry service. The trial court approved a \$4.4 million settlement that is among the most favorable in the annals of class litigation in the State of Washington.

**GRAND CANYON LITIGATION.** The firm represented the Sierra Club in a challenge to a Forest Service decision to allow commercial development on the southern edge of the Grand Canyon National Park. Recently the trial court enjoined the project.

Exxon Valdez Oil Spill  
Cleanup

Exxon Valdez Oil Spill

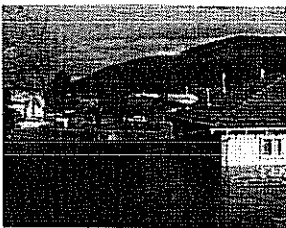


**EXXON VALDEZ OIL SPILL LITIGATION.** The firm represents various classes of claimants, including fisherman and businesses located in Prince William Sound and other impacted areas, who were damaged by the worst oil spill in United States history. A \$5 billion judgment was awarded by a federal court jury and a \$98 million settlement was achieved with Alyeska, the oil company consortium that owned the output of the pipeline. The Ninth Circuit Court of Appeals recently overturned the punitive damage award and indicated the district court should reconsider the amount, but not the issue of whether punitive damages were appropriate.

**KERR-MCGEE RADIATION CASE.** The firm represented a class action on behalf of residents of West Chicago, Illinois, who have been exposed to radioactive uranium tailings from a rare earth facility operated by Kerr-McGee. The trial court has upheld plaintiff's claim, and Kerr-McGee unsuccessfully sought review in the 7<sup>th</sup> Circuit Court of Appeals. A medical monitoring settlement valued in excess of \$5 million has received court approval.

**SEATAC LITIGATION.** The firm represented homeowners who claimed that the operation of the Seattle-Tacoma Airport destroyed their property values. The case was the largest inverse condemnation case asserted against a governmental agency in the Pacific Northwest. After a jury trial, the case settled.

**SKAGIT VALLEY FLOOD LITIGATION.** The firm represented farmers, homeowners and businesses who claimed damages as a result of the 1990 flooding of this community. The case, which had been in litigation for ten years and involved a jury trial of over five months in Snohomish County, was the longest jury trial ever conducted in Snohomish County. Following the entry of 53



Skagit Valley Flood



verdicts against Skagit County, the trial Court entered judgments exceeding \$6.3 million. Ultimately, the State Supreme Court reversed this judgment. Despite this reversal, the firm is proud of this representation and believes that the Supreme Court erred.

**RIO TINTO.** In a landmark case, the firm represents victims of Rio Tinto's mining operation on the island of Bougainville. To build the mine, Rio chemically defoliated, bulldozed and sluiced off an entire mountainside of rain forest. During the years of the mine's operations, billions of tons of toxic mine waste was generated and dumped onto the land and into pristine waters, filling major rivers with tailings, polluting a major bay dozens of miles away, and the Pacific Ocean as well. As a result of its flagrant disregard for the environment and the people of Bougainville, Rio dispossessed the people of Bougainville from their land, destroyed their culture and polluted their environment and lifestyle. Rio destroyed previously pristine rivers and land that provided substance and a way of life for the native people and went to the heart of their local culture. The pollution is so extensive that plaintiffs and members of the class have been exposed to toxic chemicals. In certain villages, the chemicals still remaining have caused the death and/or illness of residents.



Dead Forest Vegetation as a Result of Raised Water Table Levels Near Old Kuneke

Rio's actions on Bougainville were so egregious that they sparked an uprising designed to close the mine. When the uprising succeeded, Rio and the PNG government brought troops in to reopen the mine. Rio provided transport for these troops. After initial unsuccessful efforts, the PNG government, as the agent of or co-venturer of Rio and with the support and encouragement of Rio, instituted a military blockade of the island that lasted for almost ten years. The purpose of the military blockade was to coerce the Bougainville people into surrender so that the mine could be reopened. Both Rio and PNG made enormous profits from the mine and were anxious for it to operate, notwithstanding the resistance of the island's people. The blockade prevented medicine, clothing and other essential items from reaching the people of Bougainville. Hospitals were forced to close, women died needlessly in childbirth and young children died from easily preventable diseases. Rio's top manager of the Bougainville mine encouraged continuation of the blockade for the purpose of 'starving the bastards' out. This blockade directly caused the deaths of at least 10,000 people between 1990 and 1997. According to the Red Cross, the blockade killed more than 2,000 children in just its first two years of operation. By the time the war ended in 1999, 10% of the population of Bougainville, approximately 15,000 civilians, were killed.

The action alleges that Rio's conduct violated customary international law, including prohibitions against destruction of the right to life and health, and prohibitions against racial discrimination, and war crimes. Rio's conduct violated the settled standards for the protection of human rights and the environment recognized by customary international law and United States legal precedent. The plaintiffs seek redress under the federal Alien Tort Claims Act (28 U.S.C. § 1350).

## The Partners



### STEVE W. BERMAN

Direct Dial: (206) 224-9320

Email: [steve@hbsslaw.com](mailto:steve@hbsslaw.com)

Mr. Berman helped to found the firm in 1993, and is the managing partner. He has served as lead or co-lead counsel in securities, consumer, products liability, antitrust, employment class actions, and complex litigations in the Northwest and throughout the country. Some of the high-profile matters Mr. Berman has prosecuted include the **Washington Public Power Supply System**, **Exxon Valdez Oil Spill**, **Michael Milken Litigation**, **Enron Litigation**, **Tobacco Litigation**, and the **Visa/MasterCard Litigation**.

Mr. Berman's successes include obtaining a settlement of \$92 million in the **Boeing Securities Litigation**, representing stock and bondholders in the **Bonneville Pacific Securities Litigation** which resulted in settlements exceeding \$30 million, and gaining approval of a \$290 million settlement in the **Louisiana Pacific Siding Litigation**, the largest product liability settlement in Pacific Northwest history. In the **WPPSS Securities Litigation**, Mr. Berman represented bond purchasers in the largest securities trial in U.S. history. In addition to being a member of the trial team, the lead counsel designated him as a core group member alongside a group of class plaintiffs and **Chemical Bank** attorneys charged with prosecuting the case. The case resulted in a settlement exceeding \$850 million, the largest recovery in a securities class action at the time.

Mr. Berman's innovative approaches to litigation have earned him significant recognition. When beneficiaries of state employee pension funds refused to pursue sums from **Michael Milken's** misappropriation of warrants, Mr. Berman stepped forward, pioneering the Milken action and using a unique approach to recovery. As co-lead counsel in multi-state class actions against **Blue Cross**, he uncovered Blue Cross' breach of fiduciary duties owing to plan participants in the manner in which co-payments are calculated. His discovery led to Blue Cross being sued in dozens of states with lawyers throughout the country emulating his approach. Eventually the way in which co-pays are calculated has changed industry-wide resulting in billions of savings for consumers.

Steve is currently working on the **McKesson-First Data Litigation**, the **Nexium Litigation**, **Average Wholesale Pricing Litigation**, the **Lipitor Litigation**, as well as representing several states on drug pricing litigation (Arizona, Nevada, and Montana) and securities litigation (Ohio). He is also lead counsel in the **DRAM Antitrust Litigation** and the **NCAA Antitrust Litigation**.

Perhaps most notable is Mr. Berman's role as a special assistant attorney general for the states of Washington, Arizona, Illinois, Indiana, New York, Alaska, Idaho, Ohio, Oregon, Nevada, Montana, Vermont, and Rhode Island in the landmark **Tobacco Litigation**.

A principal in the groundbreaking settlement with Liggett and the proposed national settlement, Mr. Berman was one of only two private attorneys acting as members of the negotiating team. He conceived the idea to use Liggett as the whistleblower and secured the cooperation of Bennet LeBow, Liggett's CEO, as well as insisting that Liggett waive all claims of attorney-client privilege. Mr. Berman also negotiated the settlement that required Liggett to admit what the industry has denied to this day: smoking causes cancer and heart disease; nicotine addicts; and the industry targets children. Liggett's admissions, the cooperation of LeBow, and the release of previously privileged documents were instrumental factors in driving the industry to settlement. Liggett's 'plea of guilty' added momentum to the 1997 proposed national settlement, which led to the eventual \$206 billion multi-state settlement in 1998.

The announcement of the final settlement found Mr. Berman in his ninth week of trial presenting the state of Washington's case to a jury. His successful handling of the bulk of the trial earned him great respect. Subsequently, some of Washington state's leading trial lawyers hired Mr. Berman to try a certified class action brought by union trust funds against tobacco. The book, *People v. Big Tobacco*, describes his role in the Tobacco Litigation.

Other notable actions led by Mr. Berman include the **Morrison Knudsen Securities Litigation**, **Contact Lens Disposable Antitrust Litigation** and **Piper Jaffray Closed-End Funds Litigation** in which he obtained a settlement valued at nearly \$60 million. Mr. Berman's cases have also involved corporate entities such as **Egghead**, **Foodmaker**, **SuperMac**, **Immunex**, **Digital Systems**, and **Aldus**.

More recently, **Microsoft** recognized Mr. Berman's experience and expertise when the company retained him to be part of the core national team representing the company in antitrust class actions arising from Judge Jackson's Findings of Fact in the Department of Justice antitrust case against the company.

In April 2000, the *National Law Journal* listed Mr. Berman as the top litigator in the state and, in June, named him as one of the 100 most powerful lawyers in the nation. In January 2001, *Seattle Magazine* featured him in an issue profiling the top lawyers in Seattle.

Mr. Berman graduated from the University of Michigan in 1976 and earned his law degree from the University of Chicago Law School in 1980.

### **JENIPHR A.E. BRECKENRIDGE**

Direct Dial: (206) 224-9325

Email: [jeniphr@hbsslaw.com](mailto:jeniphr@hbsslaw.com)

Ms. Breckenridge is a partner at **Hagens Berman Sobol Shapiro** where she has practiced law since its founding in 1993. Ms. Breckenridge's practice concentrates on securities fraud and consumer litigation. She is also a member of the **Personal Injury Group**. Ms. Breckenridge is involved with the firm's Enron case. Other notable cases include leading the firm's efforts in the recently-settled **Raytheon Securities Litigation**, **Boeing Securities Litigation**, **Abbott Laboratories Litigation** and **Tobacco Litigation**.

In the Tobacco Litigation, Ms. Breckenridge spearheaded Hagens Berman Sobol Shapiro's effort to develop facts surrounding defendant British American Tobacco Industries and its subsidiaries, including Brown & Williamson and BATCo. Reviewing BAT documents held in a repository in Guildford, England, she explored issues of American court jurisdiction over BAT entities; BAT's participation in the worldwide industry conspiracy; and BAT and Brown & Williamson lawyer involvement in the conspiracy, as well as other issues related to liability.

Ms. Breckenridge earned her undergraduate degree from Georgetown University in political theory and economics. She graduated from the University of Maryland Law School, where she was the Notes and Comments editor of the *Maryland Law Review*.

### **ROBERT B. CAREY**

Direct Dial: (602) 224-2626

Email: [rcarey@hbsslaw.com](mailto:rcarey@hbsslaw.com)

Mr. Carey has been managing partner at **Hagens Berman Sobol Shapiro's** Phoenix office since 2002. His practice includes handling numerous class-action lawsuits against a variety of organizations and companies - including the **Swift Truckers Litigation** and the **Average Wholesale Price Litigation**. He recently acted as co-lead counsel for the Hyundai Litigation, which settled for approximately \$100 million.

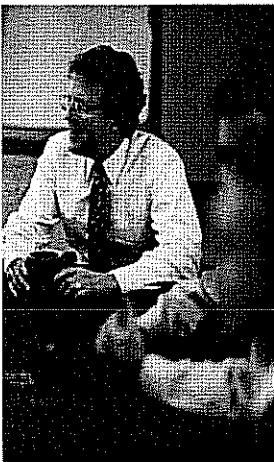
Mr. Carey's previous experience focused on personal injury, medical malpractice and various class-action cases. In addition to arguing several high-profile cases in state Supreme Courts and Courts of Appeals, he litigated multi-billion dollar claims by counties for damages stemming from tobacco-related illnesses and dozens of consumer and insurance class actions in various states. Mr. Carey also served as judge pro tempore in Maricopa County Superior Court and as special counsel for Hagens Berman Sobol Shapiro suits to recover Medicaid and statutory damages in the landmark public health litigation.

From 1990 to 1996, as Arizona's Chief Deputy Attorney General, Mr. Carey oversaw all major legal, policy, legislative, and political issues for the Arizona attorney general's office. He also obtained a \$4

billion divestiture, a landmark \$165 million antitrust settlement, and won numerous consumer and tort cases. Mr. Carey drafted and spearheaded passage of Arizona's law requiring the DNA testing of all sex offenders and instituted a penalty requiring that criminals pay the cost of victims' rights. He was also a principal draftsman of the first major overhaul of Arizona's criminal code, and drafted the bulk of the federal Prisoner Litigation Reform Act of 1995 for Senators Bob Dole and Jon Kyl, and authored the counterpart Arizona act that served as a model for other states and the federal act. His legislative experience began when he served as a former campaign staffer, intern, and staff member for U.S. Senator John McCain, during and after Senator McCain's first run for public office.

Recognized by the judges of the Superior Court of Arizona in Maricopa County for outstanding contributions to the justice system, Mr. Carey frequently presents at national conferences and teaches tort, contract and public policy courses, most recently at the University of Colorado's graduate business school.

Mr. Carey earned his bachelor's at Arizona State University, and received his MBA and law degree from the University of Denver. He also attended Harvard University's John F. Kennedy School of Government, where he studied in the state and local government program.



### ERIN K. FLORY

Direct Dial: (206) 224-9332

Email: [erin@hbsslaw.com](mailto:erin@hbsslaw.com)

Mr. Flory is a partner at **Hagens Berman Sobol Shapiro** where he focuses on securities and class-action litigation. His writing and legal analysis have been vital to the firm's rise to national prominence, helping to establish the high standards that exemplify the Hagens Berman Sobol Shapiro's written court submissions.

Mr. Flory plays a prominent role in several securities cases, including **Boeing**, **Boston Chicken**, **Einstein/Noah Bagel**, **Midcom**, **Wall Data**, **Immunex** and **Bonneville**.

Prior to Hagens Berman Sobol Shapiro, Mr. Flory worked for a leading corporate defense firm, leaving in 1991 to represent the interests of injured investors, consumers, workers, and homeowners in their challenges to corporate misconduct. After obtaining his law degree, he clerked for Judge Thomas S. Zilly of the United States District Court for the Western District of Washington and for the Washington State Court of Appeals.

Mr. Flory graduated summa cum laude and Phi Beta Kappa from the University of Washington in 1983 with a degree in economics. He earned his law degree from the University of Washington Law School, where he served as an executive editor of the *Washington Law Review*.

### CARL H. HAGENS

Direct Dial: (206) 224-9321

Email: [carl@hbsslaw.com](mailto:carl@hbsslaw.com)

Carl Hagens joined Steve Berman to found the firm in 1993. His practice includes a wide range of complex commercial litigation, representing both plaintiffs and defendants in areas including antitrust, securities, breach of contract, injunctive, and other equitable proceedings.

Some of Mr. Hagens' accomplishments include successfully representing Westin in the **Hotel Telephone Charges Litigation**, recovering \$13.6 million in **Seafirst Securities Litigation**, successfully representing independent asphalt pavers in the **Spokane Asphalt Antitrust Litigation**, and recouping the near entirety of bondholder's original investment in the **Badger Mountain Securities Litigation**.

After successfully defending Associated Grocers in the **Beef Antitrust** and **Walmart Antitrust Litigation**, Mr. Hagens represented them against the state of Washington, resulting in the State Supreme Court declaring sections of the state's Business and Occupation Tax unconstitutional.

Mr. Hagens has been very active in the legal community, as the Ninth Circuit Judicial Conference's lawyer representative from 1989-1991, a member of the Continuing Legal Education Committee of the Federal Bar Association, and as a member of the special commission to study and report antitrust laws for the Washington State Bar Association.

Mr. Hagens graduated from the University of California, Hastings College of the Law, and is admitted to practice law in California and Washington.



#### **SEAN R. MATT**

Direct Dial: (206) 224-9327

Email: [sean@hbsslaw.com](mailto:sean@hbsslaw.com)

Mr. Matt is a partner at Hagens Berman Sobol Shapiro, where he has worked since its founding in 1993. Mr. Matt's practice focuses on multi-state and nationwide class actions and encompasses consumer, insurance, products, antitrust, environmental, employment, and labor issues. His ability to organize and develop a standardized approach to prosecuting individual class cases across many states involving the same defendants and similar factual and legal issues continues to be a key factor in the firm's success.

Mr. Matt's cases include the **Average Wholesale Price Litigation**, **Ford and Nissan Accelerator Litigation**, **Washington State Ferry Litigation** and **Tobacco Litigation**. In the Tobacco Litigation, he assisted with client liaison responsibilities, working closely with assistant attorneys general in Oregon, Ohio, Arizona, Alaska, and New York, as well as assisting in briefing and arguing motions to dismiss. Working on various discovery issues, including discovery requests, briefing on discovery motions and appearances at discovery hearings, Mr. Matt also developed expert disclosure statements and prepared testimony for a variety of expert witnesses.

Mr. Matt's publications include co-authoring the comment, "Providing a Model Responsive to the Needs of Small Businesses at Formation: A Focus on Ex Ante Flexibility and Predictability" appearing in the *Oregon Law Review*.

Sean earned his bachelor's degree in finance from Indiana University, graduating with highest distinction. An associate editor of the University of Oregon School of Law's *Law Review*, he graduated with his law degree in 1992, after earning membership in the prestigious Order of the Coif.

#### **DAVID S. NALVEN**

Direct Dial: (617) 482-3700

Email: [davidn@hbsslaw.com](mailto:davidn@hbsslaw.com)

Mr. Nalven is a partner at Hagens Berman Sobol Shapiro's Cambridge office where he has worked since 2004. His practice includes handling numerous class-action lawsuits in the areas of prescription drug pricing, securities fraud, insurance fraud, and consumer protection.

Prior to joining the firm, Mr. Nalven served as Chief of the Business and Labor Protection Bureau in the Massachusetts Attorney General's Office for five years. He oversaw a staff of more than 100 on all cases and initiatives involving healthcare fraud, insurance fraud, workplace offenses, and other civil and criminal business matters.

While working with the Attorney General's Office, Mr. Nalven also led and supervised litigation concerning prescription drug pricing, insurance fraud violations, and healthcare fraud matters. He directed



the investigation and negotiated the resolution of wide-ranging violations of child labor laws against the owner of several dozen Dunkin' Donuts locations, resulting in the largest child labor penalty in Massachusetts history.

Mr. Nalven is an editor of the *Boston Bar Journal*, and has been a frequent speaker on business litigation and corporate responsibility issues at conferences sponsored by various organizations, including the American Bar Association, Massachusetts Association of Healthcare Administrators, AFL-CIO, and Massachusetts Building Trades Council.

Mr. Nalven graduated magna cum laude from University of Pennsylvania in 1980 with a bachelor's in English, and from New York University School of Law in 1985. After law school, he served as a law clerk to the Honorable John R. Gibson of the United States Court of Appeals for the Eighth Circuit.

### **CHRISTOPHER A. O'HARA**

Direct Dial: (206) 268-9351

Email: [chriso@hbsslaw.com](mailto:chriso@hbsslaw.com)

Mr. O'Hara is a partner at **Hagens Berman Sobol Shapiro** where he has worked since 1997. He practiced for nearly five years in the firm's Phoenix office before returning to the Seattle office, where he currently concentrates on antitrust, consumer, securities, and civil rights class actions.

Mr. O'Hara serves as plaintiffs' counsel in the **JP Morgan Chase Litigation, Prescription Drug Litigation**, price fixing litigation in the Linerboard and Laminates industries, as well as assisting with the national FCRA action against Trans Union and MCI. A member of the firm's Microsoft defense team, he also investigates allegations of racial discrimination and redlining in Chrysler's automobile loan practices in Illinois.

While in Phoenix, Mr. O'Hara deposed more than a dozen of big tobacco's expert witnesses, research scientists and marketing executives for the **Tobacco Litigation**, focusing predominantly on the Arizona case. He also defended the depositions of Arizona's national and local expert witness, while contributing to all aspects of discovery and motion practice. More recently, Mr. O'Hara played a leading role in the firm's successful defense of the state of Arizona against a claim brought by several Arizona Counties in the aftermath of the state's tobacco litigation.

Prior to joining Hagens Berman Sobol Shapiro, Mr. O'Hara focused on property loss subrogation and professional liability defense at a Seattle-area law firm.

Mr. O'Hara earned a bachelor's degree in political science and French language and literature from the University of Washington in 1987. He subsequently graduated cum laude from Seattle University School of Law and is admitted to practice in state and federal courts in Arizona and Washington, as well as the U.S. Ninth Circuit Court of Appeals.



### **CLYDE A. PLATT**

Direct Dial: (206) 224-9324

Email: [clayde@hbsslaw.com](mailto:clayde@hbsslaw.com)

Mr. Platt is a partner at **Hagens Berman Sobol Shapiro** where his practice focuses on securities fraud litigation, audit malpractice litigation and products liability litigation. Representing company shareholders in diverse industries such as construction, telecommunications and food service, he obtained a \$400 million settlement for a lengthy audit malpractice action on behalf of federal banking regulators arising from the failure of a system of east Tennessee banks.

Mr. Platt played a major role in the **Boeing Digital Systems**, **Aldus**, **Heart Technology**, **Foodmaker**, **Wall Data**, and **ProCyt** actions and currently works on two of the largest cases now pending in the country - the **Raytheon** and **Enron** cases.

Prior to joining Hagens Berman Sobol Shapiro, Mr. Platt clerked for the Ninth Circuit Court of Appeals in Texas. He graduated summa cum laude from the University of Washington, after serving in the United States Coast Guard, and earned his law degree from the University of California, Davis, in 1985.

Mr. Platt is admitted to practice in Washington, Texas, California, and Nevada and has appeared in courts in several other jurisdictions.

### GEORGE W. SAMPSON

Direct Dial: (206) 224-9345

Email: [george@hbsslaw.com](mailto:george@hbsslaw.com)

Mr. Sampson is a partner at **Hagens Berman Sobol Shapiro** where he has worked since 1994. He joined the firm to focus on antitrust and consumer class actions, and currently serves as co-lead counsel in the **Disposable Contact Lens Litigation** and the **Visa/MasterCard** debit card case. He also helped develop antitrust claims in the **Tobacco Litigation**.

Prior to joining Hagens Berman Sobol Shapiro, Mr. Sampson served as chief of the Antitrust Bureau for the New York Attorney General's Office. Mr. Sampson oversaw a 22 person staff and managed case selection and investigation for all civil and criminal prosecutions. He also served as attorney general liaison to the federal-state Executive Working Group-Antitrust. His position as chief involved a heavy trial practice, primarily in federal courts and often in conjunction with several states.

During his 10 years with the Antitrust Bureau, Mr. Sampson's notable cases included winning a \$7.8 million jury verdict in a highway bid rigging trial, serving as lead counsel for New York and obtaining a \$30 million settlement in insurance antitrust litigation, and negotiating a \$15 million return to consumers in a resale price maintenance settlement with Nintendo.

Mr. Sampson earned his bachelor's degree in economics from Cornell University and graduated from New York University School of Law in 1977. A member of both the Washington and New York state bars, he sits on the Executive Committee of the Antitrust and Consumer Protection of the Washington State Bar Association and frequently speaks on antitrust issues. Mr. Sampson is admitted before the U.S. Supreme Court and numerous federal courts of appeal.

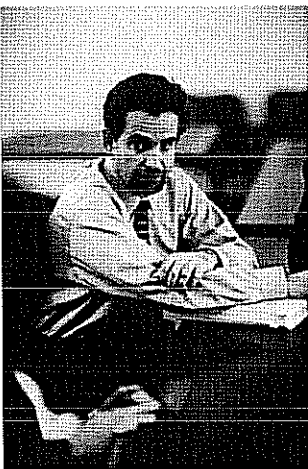
### ANTHONY D. SHAPIRO

Direct Dial: (206) 268-9352

Email: [tony@hbsslaw.com](mailto:tony@hbsslaw.com)

Mr. Shapiro is a partner at **Hagens Berman Sobol Shapiro** where he concentrates on antitrust matters, environmental and general commercial disputes, and leads the firm's **Personal Injury Group**. His personal injury practice includes cases of wrongful death, brain injury, and catastrophic personal injury matters resulting from construction site, workplace and automobile accidents, as well as product liability.

Mr. Shapiro's work prosecuting plaintiffs' claims against the **Alyeska Pipeline Service Company** resulting from the 1989 **Exxon Valdez Oil Spill** ultimately resulted in a \$98 million settlement for plaintiffs. Other notable antitrust class actions include **Brand Name Prescription Drug Antitrust Litigation**, **Carbon Dioxide Antitrust Litigation**, **Carpet Antitrust Litigation**, **Infant Formula Antitrust Litigation**, **Baby Food Antitrust Litigation**, **Scouring Pads Antitrust Litigation**, **Medical X-Ray Film Antitrust Litigation**, **High Fructose Corn Syrup Antitrust Litigation**, **Visa/MasterCard**



**Antitrust Litigation, Commercial Tissue Products Antitrust Litigation, Flat Glass Antitrust Litigation, Lease Oil Antitrust Litigation, and Bromine Antitrust Litigation.**

Prior to leading the Hagens Berman Sobol Shapiro personal injury litigation practice, Mr. Shapiro honed his courtroom skills in the Washington state prosecuting attorney's office, where he represented the state in more than 50 serious felony jury trials, including some of the state's most difficult and high-profile cases. Following his position at the prosecuting attorney's office, he joined Schweppe Krug & Tausend, then Seattle's oldest law firm, where he used his extensive courtroom experience to serve personal injury clients. He subsequently founded Rohan Goldfarb & Shapiro, a firm focusing on personal injury cases as well as commercial litigation and antitrust work.

Very involved in issues concerning juvenile diabetes, Mr. Shapiro has served as a board member of the Western Washington chapter of the Juvenile Diabetes Foundation for four years.

Mr. Shapiro was given an AV rating by Martindale-Hubbell, the highest rating a lawyer can obtain, indicating a very high to preeminent legal ability and exceptional ethical standards as established by confidential opinions from members of the Bar.

Mr. Shapiro graduated from Colgate University with honors and earned his law degree from Georgetown University Law Center in 1982.

**THOMAS M. SOBOL**

Direct Dial: (617) 217-2082

Email: tom@hbsslaw.com



Mr. Sobol is the managing partner of **Hagens Berman Sobol Shapiro's** Cambridge office, and handles numerous pharmaceutical and consumer class actions for the firm.

Mr. Sobol currently leads drug pricing litigation efforts against several pharmaceutical companies in order to remedy overcharges to consumers and other payors of brand name and generic drugs. Some of his cases include the **Average Wholesale Price Litigation**, **Lupron Litigation** and **Relafen Antitrust Litigation**. He is lead counsel for the Prescription Access Litigation (PAL) Project, the largest coalition of health care advocacy groups that have joined together to fight illegal, loophole-based overpricing by pharmaceutical companies. PAL has approximately 85 organizational members and is located in more than 30 states.

In the groundbreaking **Tobacco Litigations**, Mr. Sobol represented the states of Massachusetts, New Hampshire, and Rhode Island and served as lead private counsel for Massachusetts and New Hampshire. These cases led to significant injunctive relief and monetary recovery in excess of \$10 billion to those states.

For many years, Mr. Sobol was a leader for the New England Shelter for Homeless Veterans (NESHV) in Boston, Massachusetts, and served as chairman of the board of its company, the Vietnam Veterans Workshop, Inc., from 1995 to 2002. The shelter is a national model for homeless services, and NESHV is one of the largest private organizations delivering services to homeless veteran families and other veterans in need.

Mr. Sobol is a leader in the Massachusetts legal and healthcare community, serving on the board of Health Law Advocates, Inc., a non-profit legal organization that assists in health access for the poor. In 2000, the *National Law Journal* named Mr. Sobol as one of Massachusetts' 10 leading litigators.

Mr. Sobol is a member of the bars of Massachusetts, Rhode Island, the U.S. District Court for Massachusetts and Rhode Island, and the United States Court of Appeals, First Circuit.



Mr. Sobol graduated summa cum laude from Clark University in Worcester, Mass. in 1980 and was elected to Phi Beta Kappa in 1979. He graduated from Boston University School of Law cum laude in 1983. Tom then served as a judicial clerk for then-Chief Justice Allan M. Hale of the Massachusetts Appeals Court from 1983 to 1984.

### **CRAIG R. SPIEGEL**

Direct Dial: (206) 268-9328

Email: [craig@hbsslaw.com](mailto:craig@hbsslaw.com)

Mr. Spiegel is a partner at **Hagens Berman Sobol Shapiro** where his practice primarily focuses on class actions in employee litigation. Recent cases include actions against **Abbott Laboratories** and the **Boeing Race Litigation**.

Before joining Hagens Berman Sobol Shapiro, Mr. Spiegel served as co-counsel for plaintiffs in numerous class actions. As lead counsel for several hundred investors who lost substantial sums of money from investments with Property Mortgage Company, he obtained an \$8 million settlement. Mr. Spiegel also helped represent a class of investors that lost millions of dollars investing in the production of oil after the court certified a class based on his argument.

In litigation with AT&T, Mr. Spiegel's briefs and oral argument compelled the Ninth Circuit to reverse a summary judgment, obtaining a substantial sum for his client, a company that alleged that AT&T unlawfully changed its policies to drive the company out of business. In another notable case, he served as co-counsel for a family of three that was rendered homeless when a Santa Barbara businessman towed away their trailer, claiming it was on his land, reselling the vehicle and most of their possessions. He helped obtain a jury verdict of \$225,000 for the family, after another attorney had obtained a \$15,000 non-binding judicial arbitration award.

Mr. Spiegel graduated summa cum laude from St. Olaf College in 1975 and cum laude from Harvard Law School in 1979. Admitted to practice before several federal district and appellate courts, he is a member of the California, Illinois and Washington bars.

### **JEFFREY T. SPRUNG**

Direct Dial: (206) 224-9329

Email: [jeffs@hbsslaw.com](mailto:jeffs@hbsslaw.com)

Mr. Sprung is a partner at **Hagens Berman Sobol Shapiro**, where he has worked since 1994. Mr. Sprung specializes in government fraud suits brought under the False Claims Act, representing whistleblowers serving as "private Attorneys General."

He has sued a variety of companies, including the Compaq Computer Corporation, which resulted in a large, multi-state settlement on behalf of computer users; contractors for the U.S. Department of Energy concerning accounting fraud at the largest nuclear clean-up site in Hanford, Washington; health care providers and pharmaceutical companies for Medicare and Medicaid fraud; and military contractors for procurement fraud

Mr. Sprung's expertise also includes prosecuting class actions for consumer fraud, employment discrimination and civil rights violations. He is extensively involved in race and gender employment discrimination class actions against The Boeing Company, and has handled class litigation arising from the use of slave and forced labor by Germany and Japan during World War II. He also worked on cases against foreign mining companies accused of destroying and contaminating indigenous people's land and committing human rights abuses.

Prior to joining Hagens Berman Sobol Shapiro, Mr. Sprung was an Assistant U.S. Attorney in the Office of the U.S. Attorney for the District of Columbia, where he specialized in civil fraud matters. He won the first civil suit for mail, wire and bank fraud brought in the District of Columbia, as well as the first civil suit brought by the government to punish insider trading in the mortgage-backed securities market. He served on a U.S. presidential campaign in 1988, after working at a large law firm in Washington, D.C. where he started his legal career.

Mr. Sprung is very active in the legal community. He was editor and contributing author of a leading practitioners' guide on civil legal remedies in United States courts for hate crimes. He also speaks on the False Claims Act and international human rights to various law schools, including the University of Washington law school, and various trade groups. He is a member of the Washington State Bar Association, the Federal Bar Association, and the Association of Former Assistant U.S. Attorneys.

Mr. Sprung graduated magna cum laude and Order of the Coif from the University of Michigan in 1981 and received his law degree from the University of Chicago Law School in 1984. He is admitted to practice in the state of Washington and the District of Columbia, and he has appeared in numerous cases before United States district courts and courts of appeals.

### **NICHOLAS STYANT-BROWNE**

Direct Dial: (206) 268-9373

Email: [nick@hbsslaw.com](mailto:nick@hbsslaw.com)

Mr. Styant-Browne is Of Counsel at **Hagens Berman Sobol Shapiro** where he has practiced class-action and multi-plaintiff litigation since 2001. Recent projects include **Rio Tinto Litigation** for human rights and environmental abuses in respect of the Panguna mine on the Pacific island of Bougainville.

Before joining the firm, Mr. Styant-Browne was one of five senior partners at Australia's largest plaintiff law firm working on class actions, environmental litigation and antitrust litigation. He served as co-counsel on Australia's largest class action against a wholly owned subsidiary of Exxon, arising out of a gas plant explosion which shut down the gas supply to Melbourne and most of the State of Victoria for 10 days.

As lead counsel in a landmark case against BHP (now BHP Billiton), Mr. Styant-Browne's meticulous outlining of the environmental devastation caused by the Ok Tedi mine in Papua New Guinea helped force mining companies adopt stricter environmental standards in developing countries. He also served as lead counsel at the trial against Australia's major newspaper publishers, including News, which resulted in the deregulation of the system of distribution of newspapers and magazines throughout Australia.

Mr. Styant-Browne's practice has involved several projects in the Pacific Rim, acting principally on behalf of the indigenous peoples of poor developing Pacific nations claiming environmental and human rights abuses. His successes and passion for the causes of indigenous peoples have led to him being retained by the national governments of Pacific States including Tuvalu and the Kingdom of Tonga. More recently, the Republic of Hungary retained him to claim compensation against an Australian mining company, which leaked huge amounts of cyanide from its tailings dam devastating the river systems of Western Europe.

### **ANDREW M. VOLK**

Direct Dial: (206) 224-9371

Email: [andrew@hbsslaw.com](mailto:andrew@hbsslaw.com)

Mr. Volk is a partner at **Hagens Berman Sobol Shapiro** where he has worked since 1996.

Extensively involved in the **Tobacco Litigation**, he wrote many of the major briefs on behalf of the states represented by the firm. In addition, he helped research and develop legal theories used in the action, as

well as drafting and amending complaints. Mr. Volk also headed the successful attack on defendants' claims that millions of documents were privileged. As a result, Washington state gained access to key documents - long hidden by the tobacco companies - that supported the state's allegations that the tobacco companies intentionally targeted children, intentionally hid their knowledge of the dangers of tobacco and lied to consumers and government regulators.

Mr. Volk currently works on ERISA cases for breach of fiduciary duties on behalf of current and former employees of **Enron**, **IPALCO** and the **Montana Power Company**; gender discrimination cases on behalf of Boeing employees at facilities in Kansas and Missouri; RICO cases on behalf of employees of **Zirkle Fruit Company** and Matson Fruit Company.

Prior to joining Hagens Berman Sobol Shapiro, Mr. Volk taught legal writing and research at the University of Oregon School of Law. He also spent three years as a staff attorney at the Criminal Appeals Bureau of the Legal Aid Society in New York City.

Mr. Volk earned his undergraduate degree from Columbia University. He graduated cum laude from Cornell Law School in 1991 and served as an articles editor of the *Cornell International Law Journal*. He is admitted to practice in New York, Oregon and Washington.

## The Associates

### LEONARD W. ARAGON

Direct Dial: (602) 224-2629

Email: leonard@hbsslaw.com

Mr. Aragon is an associate at Hagens Berman Sobol Shapiro's Phoenix office. Prior to joining HBSS, Leonard spent four years practicing in the areas of commercial litigation, election law and appellate advocacy at a Phoenix-based firm.

At his former firm, Mr. Aragon handled numerous initiative, referendum and redistricting matters, including representing the Arizona Independent Redistricting Commission in lawsuits related to Arizona's congressional and legislative redistricting following the 2000 census. Additionally, he represented candidates from all levels of state and federal government.

Mr. Aragon is committed to pro bono and community service. He has represented numerous pro bono clients in the areas of insurance, immigration, family, and contract law, and serves on the board of directors of EMPACT-SPC (one of Arizona's largest behavioral health organizations). He also recently served as the co-chair for a major Valley fundraiser benefiting children's charities.

Before attending college, Mr. Aragon was a scout for the 2/68 Armored Tank Battalion. During that time, he was awarded the Army Achievement Medal and several expert marksmanship badges.

Mr. Aragon graduated *summa cum laude* from Arizona State University in 1998 with degrees in History and Political Science. He received his law degree from Stanford Law School in 2001. He is a member of the State Bar of Arizona and is admitted to practice in Arizona and Colorado federal district court.

### IVY D. ARAI

Direct Dial: (206) 268-9358

Email: ivy@hbsslaw.com

Ms. Arai is an associate at Hagens Berman Sobol Shapiro where she has worked since 2002. Currently, her work focuses on the class action employment discrimination suit against **The Boeing Company**, the **Tenet Healthcare** case, and **DRAM Antitrust Litigation**.

Prior to joining Hagens Berman Sobol Shapiro, Ms. Arai primarily practiced employment and health care law. She also participated in the King County Bar Association's Homeless and Newcomers Project, resolving wage claims for local low-income and immigrant workers. During law school, Ms. Arai worked as a judicial extern for Judge Thomas S. Zilly of the United States District Court for the Western District of Washington. She also counseled low-income and immigrant workers regarding employment and labor issues as an extern for the D.C. Employment Justice Center.

Her publications include "The Silent Significant Minority: Japanese-American Women Evacuation and Internment During World War II" found in Nicole Dombrowski's book, *Enlisted With or Without Consent: Women and War in the 20th Century*.

Ms. Arai graduated cum laude from Princeton University in 1997 with a bachelor of arts in American history and a certificate in African-American studies. She earned her law degree from Georgetown University Law Center in 2000 where she served on the *Georgetown International Environmental Law Review*. She is admitted to practice law in the state of Washington.

**ELAINE T. BYSZEWSKI**

Direct Dial: (213) 330-7150

Email: elaine@hbsslaw.com

Ms. Byszewski is an associate at Hagens Berman Sobol Shapiro where she has worked since 2004. Her work has included consumer and employee protection suits against **Ford Motor Company**, **Costco** and **Solvay Pharmaceuticals (Estratest)** among others.

Prior to joining Hagens Berman Sobol Shapiro, Ms. Byszewski focused her practice on public sector labor and employment litigation and counseling, including extensive work on a class action race discrimination case, a wrongful termination case and a disability discrimination case. During law school she worked in the trial division of the Attorney General of Massachusetts' office.

Among Ms. Byszewski's several publications are "Valuing Companion Animals in Wrongful Death Cases: A Survey of Current Court and Legislative Action and A Suggestion for Valuing Loss of Companionship" in *Animal Law Review* (2003), and "What's in the Wine? A History of FDA's Role" in *Food and Drug Law Journal* (2002).

Ms. Byszewski graduated summa cum laude from the University of Southern California in 1999 with a Bachelor of Science in public policy and management with a health care emphasis. She earned her law degree cum laude from Harvard Law School in 2002. She is admitted to practice law in the state of California.

**ELIZABETH A. FEGAN**

Direct Dial: (312) 762-9235

Email: beth@hbsslaw.com

Ms. Fegan is Of Counsel at **Hagens Berman Sobol Shapiro's** Chicago office where she has worked since 2004.

Before Hagens Berman Sobol Shapiro, Ms. Fegan was a partner at The Wexler Firm LLP in Chicago. Her legal work consisted of finance lending discrimination lawsuits, pharmaceutical and antitrust litigation, civil rights charges and suits, and auditing and accounting malpractice litigation. She also served as legal writing instructor at the Loyola University Chicago School of Law.

While previously practicing at Shefsky & Froelich, Ltd. in Chicago, Ms. Fegan served in several local government appointments and on a special master team in federal and state court. The local government appointments included positions as special assistant corporation counsel to the city of Chicago, the Chicago Park District and the Public Building Commission of Chicago. Her private work has included complex commercial litigation, antitrust, civil rights, fraud and consumer fraud, and contract actions.

Ms. Fegan received her law degree from Loyola University Chicago School of Law. While there, she was editor at large of the Loyola Law Journal in which she published "Home Rule Hits the Road in Illinois: American Telephone & Telegraph Company v. Village of Arlington Heights."

**ROBERT GAUDET**

Direct Dial: (206) 268-9372

Email: robertg@hbsslaw.com

Mr. Gaudet is an associate at Hagens Berman Sobol Shapiro. Cases he has worked on include the **Boeing Gender Discrimination** and **DaimlerChrysler Discrimination** litigations.

Prior to law school, Mr. Gaudet worked for the U.S. Department of Justice, Civil Rights Division Criminal Section where he coordinated with lawyers and FBI agents on police brutality, racial violence, and peonage issues. He also interned for the Democratic National Committee Office of Latino Affairs, Congressman Xavier Becerra and the White House Office of Public Liaison. Before commencing his internships, Mr. Gaudet lived overseas working as the primary editor for an Estonian magazine, *The Baltic Review: Business Magazine of the Baltic States*.

Mr. Gaudet's honors and experiences also include winning a Rotary Club of Israel scholarship to complete a graduate year program at the Hebrew University of Jerusalem, co-founding the first student group of Habitat for Humanity in Great Britain, and working for the Wits/Vaal Regional Peace Secretariat in South Africa under a Columbia College Human Rights Scholarship.

Mr. Gaudet earned his bachelor's degree in political science from Columbia University in 1994 with a minor in psychology. In 1999, he earned his master of studies in religion from the University of Oxford and received a post-graduate diploma in theology in 2001 from the university's Trinity College for studies in the Old Testament, the New Testament and Christian Moral Reasoning. Mr. Gaudet graduated from Stanford Law School in 2002 where he served as a staff columnist for *The Stanford Daily*.

**LEE GORDON**

Direct Dial: (213) 330-7136

Email: lee@hbsslaw.com

Mr. Gordon is an associate at **Hagens Berman Sobol Shapiro** where his practice focuses on complex class actions. His recent cases include consumer and antitrust actions against several major pharmaceutical companies, and an employee protection suit against Costco.

Prior to joining Hagens Berman Sobol Shapiro, Mr. Gordon's practice covered a broad spectrum of complex litigation matters. He represented and advised clients in antitrust litigation, employment litigation, single-state and nationwide class actions, breach of contract and breach of warranty litigation, intellectual property cases, real estate and land use disputes, and matters involving challenges to government regulations.

Mr. Gordon's employment law work included race discrimination, wrongful termination, disability discrimination, and compensation disputes. His class action work has included complex securities and unfair business practices litigation involving multi-million dollar claims against major public financial institutions and healthcare organizations such as Bank of America, Bear Stearns, and Paracelsus Healthcare Corporation.

Mr. Gordon graduated summa cum laude from the University of California at Los Angeles with a bachelor's in Philosophy. In 1994, he earned his law degree from Harvard Law School, graduating cum laude. In 2002, he also received an MBA from the Anderson Graduate School of Management at UCLA, where he graduated with honors and received fellowship grants. Mr. Gordon is admitted to practice law in the state of California.

**LISA M. HASSELMAN**

Direct Dial: (206) 268-9363

Email: lisah@hbsslaw.com

Ms. Hasselman is an associate at Hagens Berman Sobol Shapiro where she has worked since 2006. She brings broad experience in complex commercial litigation.

Prior to joining Hagens Berman Sobol Shapiro, Ms. Hasselman was an associate at Danielson Harrigan Leyh & Tollefson in Seattle. While there, she participated on every level in complex state and federal litigation actions including drafting and arguing summary judgment motions, taking depositions, mediating cases and preparing and participating in a multi-party trial.

Since 2001, Ms. Hasselman has served on the board of Chaya, a non-profit addressing domestic violence in local South Asian communities. She volunteers for the Northwest Women's Law Center's Self Help Committee and the King County Bar Association's Neighborhood Legal Clinics.

Ms. Hasselman graduated from the University of Michigan in 1996 with a Bachelor of Arts, English and Cultural Anthropology. She earned her law degree from the University of Washington School of Law in 2001 where she was a legal volunteer for the Public Interest Law Association, the Immigrant Families Advocacy Project and Street Youth Legal Advocates of Washington. After law school, Ms. Hasselman clerked for the Honorable Marlin J. Appelwick at the Washington State Court of Appeals.

**JEFFREY A. LANG**

Direct Dial: (206) 268-9357

Email: jeffl@hbsslaw.com

Mr. Lang is an associate at **Hagens Berman Sobol Shapiro**, where he is involved in the firm's pharmaceutical litigation.

Mr. Lang has several years of experience across a variety of practice areas. Prior to joining Hagens Berman Sobol Shapiro, he practiced law at Preston Gates Ellis, where he was involved in the Microsoft antitrust litigation. He also gained experience in land-use, SEPA, and zoning and building compliance through his positions with the Whalen & Company and the Law Offices of Dan Clawson.

Mr. Lang received his bachelors from the University of Washington, and earned his juris doctorate from the University of Puget Sound School of Law. He is admitted to practice in Washington state.

**ROBERT F. LOPEZ**

Direct Dial: (206) 268-9304

Email: robl@hbsslaw.com

Mr. Lopez is an associate at **Hagens Berman Sobol Shapiro** where he has worked since 2004. He brings to the firm a broad range of legal experience including, complex commercial, franchise, and intellectual property, including trademark and trade-name, litigation; the law of trademark, trade name, and copyright; and commercial transactions.

Prior to joining the firm, Mr. Lopez was a founding member and owner of the Seattle firm Socius Law Group. His previous work included prosecuting and defending matters in the federal and state trial courts, including the probate department of the state superior court, and also federal and state administrative tribunals, the federal bankruptcy court, and the federal and state courts of appeal.



Mr. Lopez graduated from Gonzaga University in 1986 with a bachelor's in English Literature. He received his law degree in 1991 from the University of Washington, and is admitted to practice in the state of Washington.

#### **GREGORY H. MATTHEWS**

Direct Dial: (617) 475-1959

Email: gregm@hbsslaw.com

Mr. Matthews is an associate at **Hagens Berman Sobol Shapiro's** Cambridge office, where he has worked since 2005. Mr. Matthews' varied dossier includes experience in a variety of areas, such as tax, social security, bankruptcy, labor and employment, civil rights, immigration, disability, copyright and trademark law.

Prior to joining the firm, Mr. Matthews was an assistant district attorney for the Middlesex County District Attorney's Office. In this position he analyzed, drafted and litigated appeals before the Supreme Judicial Court and the Appeals Court. He also maintained an extensive caseload of 150 cases in various stages of prosecution, encompassing both bench and jury trials.

Mr. Matthews also gained experience as an attorney with the Court of Appeals for the Ninth Circuit in San Francisco, Calif. In this position he researched and drafted bench memoranda and depositions for the court and orally presented those depositions to three-judge panels bi-monthly. He was also responsible for research in a variety of legal areas. Mr. Matthews was also an attorney with the Sierra Club Legal Defense Fund, where he worked on issues related to the Endangered Species Act, Environmental Policy Act and National Forest Management Act.

Mr. Matthews received his bachelors in legal studies from Northeastern University in Boston, Mass. where he also earned his law degree. He is admitted to practice in the Commonwealth of Massachusetts.

#### **DOUGLAS C. MCDERMOTT**

Direct Dial: (206) 623-7292

Email: doug@hbsslaw.com

Mr. McDermott is an associate at **Hagens Berman Sobol Shapiro's** Seattle office where he has worked since 2005.

Prior to joining the firm, Mr. McDermott practiced at Milberg Weiss Bershad & Schulman, LLP. While there, he litigated in federal courts through out the country, representing defrauded investors in class-action securities cases against individual and corporate defendants, including Washington Mutual, Inc.; Amazon.com; Expedia, Inc.; and ConAgra Foods, Inc.

Mr. McDermott also gained a wealth of experience while working with Betts Patterson & Mines, P.S. At that firm he focused on complex commercial litigation, representing plaintiffs and defendants. His work included a range of civil litigation, including case analysis and strategy, motions, mediations, arbitrations, trial work, and appellate work.

Mr. McDermott received his bachelor's in English from the University of Washington. He then graduated magna cum laude from the Seattle University School of Law, where he was a member of the *Law Review*. Mr. McDermott is a member of the Washington State Bar Association and is admitted to practice in the U.S. District Court for the Western District of Washington, and for the District of Colorado.



**HUGH E. MCNEELY**

Direct Dial: (617) 482-3700

Email: hugh@hbsslaw.com

Mr. McNeely is an associate at **Hagens Berman Sobol Shapiro's** Cambridge office where he has worked since 2004. He brings more than 25 years of litigation experience to the firm.

Prior to joining Hagens Berman Sobol Shapiro, Mr. McNeely was Of Counsel to Simien & Simien in Baton Rouge, La. While there, he focused on medical malpractice, class-action and mass tort cases. Previously, Hugh was a solo practitioner with a focus on tobacco-related litigation. Prior to his solo practice, he was appointed Of Counsel to Provost Umphrey in Beaumont, Texas, where he served as coordinating attorney and liaison counsel to the state of Texas in its suit against major tobacco companies. His guidance was integral to the state's \$17.3 billion settlement with the tobacco companies.

Mr. McNeely also served as Of Counsel to Baggett McCall & Burgess in Lake Charles, La. While there, he worked exclusively on the Castano class action and other tobacco-related cases. Previously, he held associate positions at Plauche Smith & Niset and Roy Forrest & Lopresto - insurance defense law firms in Louisiana. He also enjoyed several years as an independent practitioner where his practice emphasized personal injury and appellate work.

Mr. McNeely received his bachelors in political science from Louisiana State University. After attending the University of San Diego School of International and Comparative Law in Paris, France for one year, he received his law degree from Louisiana State University Law Center in Baton Rouge. He is admitted to practice law in the state of Louisiana and in the eastern district of Texas.

**EDWARD NOTARGIACOMO**

Direct Dial: (617) 217-2083

Email: ed@hbsslaw.com

Mr. Notargiacomo is an associate at **Hagens Berman Sobol Shapiro** where has worked since 2002. He joined the firm's Cambridge office to focus on complex consumer, commercial and antitrust litigation. His recent cases include the **Average Wholesale Price Litigation** and other class-action suits aimed at pharmaceutical companies who illegally attempt to deny market access to manufacturers of cheaper generic pharmaceuticals.

Mr. Notargiacomo's extensive experience in complex cases includes consumer class actions against predatory lenders and employment litigation against a major retail chain, as well as intense involvement in high-profile impact litigation against cigarette manufacturers, the firearms industry and pharmaceutical manufacturers.

Before joining Hagens Berman Sobol Shapiro, he served as special assistant attorney general for Massachusetts in its suit against the tobacco industry. Mr. Notargiacomo played a major role in discovery in that case, including the defense of more than 45 depositions of state agency employees and led the effort to marshal documents and exhibits in preparation for trial. He also helped represent Rhode Island, New Hampshire and Maine in their suits against the tobacco industry. In another case, he represented the city of Boston in its suit against gun manufacturers and distributors in order to force them to take responsibility for some of the violence perpetrated with firearms that are negligently and illegally distributed in cities like Boston.

Mr. Notargiacomo received his bachelor's degree from Brown University in 1989. He earned his juris doctor with honors from Boston University in 1994 where he served on the Boston University Public Interest Law Review. He is admitted to practice in Massachusetts and in the U.S. District Court for the District of Massachusetts.

**DIEGO RODRIGUEZ**

Direct Dial: (602) 840-3012

Email: [diego@hbsslaw.com](mailto:diego@hbsslaw.com)

Mr. Rodriguez is an associate at **Hagens Berman Sobol Shapiro's** Phoenix office where he has worked since 2004. He brings to the firm several years of civil and criminal trial experience.

Prior to joining Hagens Berman Sobol Shapiro, Mr. Rodriguez practiced law at the largest plaintiffs' personal injury law firm in Arizona. As part of that practice he represented plaintiffs in personal injury, product liability and wrongful death cases.

Before entering private practice, Mr. Rodriguez served as a deputy county attorney in the criminal division of the Office of the Pima County Attorney which is located in Tucson, Ariz. During his four years with that office, Mr. Rodriguez personally handled hundreds of cases and conducted 60 felony jury trials for a host of offenses including vehicular crimes, property crimes, fraud, child abuse, and first-degree homicides.

After he left his position as a deputy county attorney, Mr. Rodriguez gained even more litigation expertise in the areas of insurance defense, construction defect, toxic torts, insurance coverage, general business litigation, and automobile product liability defense, while practicing at Gust Rosenfeld, P.C. and Snell & Wilmer LLP, both major defense firms.

Mr. Rodriguez graduated from the University of Notre Dame in 1992, with a bachelors in Finance, and received his Juris Doctorate from the University of Arizona in 1995. He is a member of the State Bar of Arizona and is authorized to represent clients in both the Arizona and Colorado federal district courts.

**TIMOTHY A. SCOTT**

Direct Dial: (312)9233

Email: [tims@hbsslaw.com](mailto:tims@hbsslaw.com)

Mr. Scott is Of Counsel at **Hagens Berman Sobol Shapiro's** Chicago office where he has worked since 2004.

Prior to joining Hagens Berman Sobol Shapiro, Mr. Scott practiced law at The Wexler Firm LLP in Chicago. His work included prosecuting complex class-action cases including antitrust, consumer fraud, securities, and ERISA litigation. Mr. Scott previously practiced at Skadden, Arps, Slate, Meagher & Flom in Chicago, where he represented corporate plaintiffs and defendants in complex class-action, mass tort, products liability, insurance, environmental, and commercial litigation in state and federal courts.

Mr. Scott received a bachelor's in Sociology-Anthropology and Spanish from Knox College in Illinois, and earned his law degree from the Chicago-Kent College of Law.

**RONNIE SEIDEL SPIEGEL**

Direct Dial: (206) 268-9343

Email: [ronnie@hbsslaw.com](mailto:ronnie@hbsslaw.com)

Ms. Spiegel is an associate at Hagens Berman Sobol Shapiro where she has worked since 2005.

Prior to joining the firm, Ms. Spiegel practiced as a senior associate at Spector Roseman & Kodroff in Philadelphia. While there, she specialized in federal antitrust, securities and consumer protection law. Ms. Spiegel has extensive experience managing complex litigation. She has worked on trial teams, developed case strategy, and has coordinated and organized all aspects of discovery in large class action

cases. During her tenure at Spector Roseman & Kodroff, she also managed the firm's North Carolina office.

Ms. Spiegel's case experience includes antitrust litigation against the brand-name prescription drug industry, the commercial tissue products industry, the vitamin industry and others.

Ms. Spiegel earned a Bachelor of Arts in International Relations from Boston University. She earned her law degree from Temple University's Beasley School of Law, where she was associate research editor for the *Temple Law Review*. She is admitted to practice in Washington and Pennsylvania as well as in federal court for the Eastern District of Pennsylvania.



Jim Solimano and Steve Berman  
During Trial of Washington State  
Tobacco Case

### **JAMES P. SOLIMANO**

Direct Dial: (206) 224-9322

Email: jim@hbsslaw.com

Mr. Solimano is Of Counsel at **Hagens Berman Sobol Shapiro** where he currently represents a class of homeowners who suffered losses in the second worst landslide in U.S. history in the Kelso Landslide Litigation. He also represents insureds in a certified class action against **State Farm** over retroactive denial of PIP benefits and workers in the **Denny's** wage and hour case. His securities litigation work has included representing investors in the **Egghead**, **Intermec** and **Nordstrom Securities Litigations**.

Significant cases include representing plaintiff bond purchasers in the **WPPSS Securities Litigation**, the largest securities trial in U.S. history and serving as lead counsel for Chemical Bank for several cases including a \$55 million recovery in "Cost Sharing Litigation."

In the **Tobacco Litigation**, Mr. Solimano helped coordinate the firm's work with expert witnesses in the areas of addiction; antitrust; causation; cigarette design; damages; epidemiology; business, legal and medical ethics; Medicaid; and youth marketing. His work included identifying areas of expert testimony, interviewing and retaining potential experts, assisting experts in the development of testimony, obtaining the material on which experts relied, assisting them in preparing reports, preparing experts for deposition and trial testimony, coordinating expert discovery, and preparing for cross-examination of defendants' experts. He also worked extensively with consulting experts to collect and prepare the voluminous claims data used in the damage models. In addition, Mr. Solimano participated extensively in the briefing and argument of the many pretrial dismissal, discovery, summary judgment and in limine motions. During the Washington trial, he prepared witnesses for direct testimony and cross-examination, as well as briefing on trial motions.

After graduating from Franklin & Marshall College in 1979, Mr. Solimano earned his law degree from the National Law Center at George Washington University. He has appeared in the Washington Supreme Court and Court of Appeals, the Ninth Circuit Court of Appeals and in many federal district courts throughout the country.

### **TYLER S. WEAVER**

Direct Dial: (206) 268-9355

Email: tyler@hbsslaw.com

Mr. Weaver is an associate at **Hagens Berman Sobol Shapiro** where he has worked since 2001. Currently, he focuses on the **ManorCare** case.

Prior to joining Hagens Berman Sobol Shapiro, Mr. Weaver served as a staff attorney for Senior Judge Justin L. Quackenbush of the U.S. District Court for the Eastern District of Washington. In addition, he held the position of editor-in-chief of the *Berkeley Journal of Employment and Labor Law*. Mr. Weaver's

experience also includes drafting and administering employee benefit plans, working for a firm specializing in plaintiffs' ERISA litigation, and volunteering for the East Bay Workers' Rights Clinic.

Mr. Weaver graduated cum laude with a bachelor's degree in English from the University of Oregon in 1992 and received his law degree from the University of California, Berkeley School of Law, Boalt Hall, in 1999. A member of both the Washington and Oregon bars, he is admitted to practice in the U.S. District Court for the Eastern District of Washington.

## References

### **REPRESENTATION OF STATE OF WASHINGTON IN THE TOBACCO LITIGATION**

David Walsh  
1125 Washington Street S.E., P.O. Box 401  
Olympia, WA 98504-0100  
(360) 753-6228

### **REPRESENTATION OF ARIZONA IN THE TOBACCO LITIGATION**

Former Attorney General Grant Woods  
Grant Woods PC  
1726 North Seventh Street  
Phoenix, AZ 85006  
(602) 258-2599

### **REPRESENTATION OF MICROSOFT**

Richard Wallis  
Microsoft Corporation  
One Microsoft Way  
Redmond, WA 98052-6399  
(425) 882-8080

### **REPRESENTATION OF INVESTMENT ADVISOR IN VARIOUS LITIGATIONS**

Brent E. Johnson  
Johnson Capital Management, Inc.  
12500 Fair Lakes Circle, Suite 280  
Fairfax, VA 22033  
(703) 803-4100

### **REPRESENTATION OF NEVADA IN THE PHARMACEUTICAL LITIGATION**

L. Timothy Terry  
Nevada Attorney General's Office  
Medicaid Fraud Control Unit  
100 North Carson Street  
Carson City, NV 89701-4717  
(775) 684-1191

## A Perspective on our Performance from the Bench

Perhaps one of the most telling references comes from the concluding comments of the Judge presiding over the State of Oregon's case against Big Tobacco.

**MR. BERMAN:** Nothing further, Your Honor.

**THE COURT:** Anything else for the record? Well, may I take just a couple more minutes of your time to say this has been an extraordinary experience from my perspective. We have a lot of emphasis in our profession these days about people complaining that lawyers are not professional, that they are not civil, they do things in the manner in which they practice that discredits the profession, and I wish those critics could have seen all of you in action.

This has been an extraordinary experience from my perspective. I cannot conceive of another case where there has been so much at stake, and all of you, from the outsiders to local counsel, have been extraordinarily responsible to resolve as much as you could and to bring to me only the issues that really needed rulings. I cannot tell you how much I appreciate all of your work in that regard, and I know that that was you, as individuals, doing the important thing because in a case of this magnitude, with local and regional and national and international levels of attorneys, it's very hard to connect with people.

I just hope some time before I stop during this wonderful year, I have another chance to see this kind of lawyering. *It's been stunning, and I really want to say that it's been a wonderful experience.*

So, Hallelujah.